Y4.C73/2:R26/2

94-2

94th Congress
2d Session

COMMITTEE PRINT

JAN
DOCUMENTS

TRAVEL BY REGULATORY COMMISSIONERS

STAFF REPORT

PREPARED AT THE REQUEST OF

THE COMMITTEE ON COMMERCE

AND SUBMITTED BY

HON. WARREN G. MAGNUSON, *Chairman*

FOR THE USE OF THE

COMMITTEE ON COMMERCE

AND THE

U.S. SENATE

DECEMBER 1976

U.S. GOVERNMENT PRINTING OFFICE
78-925 WASHINGTON : 1976

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LETTER OF TRANSMITTAL

DECEMBER 23, 1976.

Dear Colleague:

Transmitted herewith is a staff report on travel by Commissioners and the heads of regulatory agencies and boards within the jurisdiction of the Committee on Commerce. This report was undertaken pursuant to a resolution of the Committee offered by Senators J. Glenn Beall and Lowell Weicker on November 13, 1975.

I wish to emphasize that the findings and comments in this report, some of which may prove to be controversial, represent the views of the staff and have not been approved, disapproved, or considered by the Senate Committee on Commerce.

WARREN G. MAGNUSON,
Chairman, Committee on Commerce.

CONTENTS

	Page
Letter of transmittal	III
Background	1
Summary of findings	2
Travel expenditures and absenteeism	2
Travel to home State	3
Potential conflict of interest questions	5
Interest groups addressed	5
GAO findings	5
Appendixes:	
A. Questionnaire sent to Commissioners and heads of agencies within the jurisdiction of the Committee on Commerce	7
B. Statistical tables	9
1975 summary of Commissioners' travel by agency	9
Summary of attendance and absenteeism, by Commissioner, at regular and special meetings, 1971–75, average	10
Civil Aeronautics Board	11
Consumer Product Safety Commission	13
Federal Communications Commission	16
Federal Maritime Commission	20
Federal Power Commission	22
Federal Trade Commission	25
Interstate Commerce Commission	28
National Transportation Safety Board	33
Summary of travel by Administrators of EPA, FAA, FDA, FRA, and NHTSA	35
Summary of groups visited and addressed by Administrators of EPA, FAA, FDA, FRA, and NHTSA	35
C. GAO report in full	37
D. Responses from Commissioners and Board members	81

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BACKGROUND

This study has been undertaken pursuant to a resolution offered by Senators J. Glenn Beall and Lowell Weicker and adopted by the Committee on Commerce on November 13, 1975. The resolution directed the staff to initiate a study to determine the travel patterns of Commissioners and Board members of independent regulatory agencies within the jurisdiction of the Committee. The genesis for the resolution and study was the Committee's consideration and rejection of Isabel Burgess for reappointment to the National Transportation Safety Board.

In the course of scrutinizing background information concerning Mrs. Burgess' membership on the National Transportation Safety Board, it was found that her official expenses were high in comparison to other Board members, that a number of questions concerning the appearance of conflicts of interest were raised, and that she had a substantially higher absentee rate from Board meetings compared to other members of the Board. At the Committee Executive Session on November 13, 1975, Senator Beall stated, ". . . we are applying a standard now to an individual member of one of these Commissions, and I think that standard ought to be applied uniformly to all members."

Pursuant to the Committee resolution, a questionnaire requesting certain travel information for calendar years 1971–75 was prepared and sent, in January 1976, to each of the following people:

Civil Aeronautics Board (CAB)—John E. Robson (Chairman), G. Joseph Minetti, Richard J. O'Melia, Lee R. West;

Consumer Product Safety Commission (CPSC)—Richard O. Simpson (Chairman), Barbara H. Franklin, Lawrence Kushner, Constance B. Newman, R. David Pittle;

Federal Communications Commission (FCC)—Richard E. Wiley (Chairman), Benjamin L. Hooks, Robert E. Lee, James H. Quello, Charlotte T. Reid, Glen O. Robinson, Abbott M. Washburn;

Federal Maritime Commission (FMC)—Karl E. Bakke (Chairman), Ashton C. Barrett, James B. Day, Clarence Morse;

Federal Power Commission (FPC)—Richard L. Dunham (Chairman), John H. Holloman III, Don S. Smith, James G. Watt;

Federal Trade Commission (FTC)—Paul Rand Dixon (formerly Acting Chairman), Elizabeth Hanford Dole, Stephen Nye;

Interstate Commerce Commission (ICC)—George M. Stafford (Chairman), Virginia Mae Brown, Charles L. Clapp, Robert J. Corber, Robert C. Gresham, Dale Hardin, Alfred T. MacFarland, Rupert L. Murphy, A. Daniel O'Neal, Jr.;

National Transportation Safety Board (NTSB)—William R. Haley, Francis H. McAdams, John H. Reed (formerly Acting Chairman), Louis M. Thayer;

Environmental Protection Agency (EPA)—Administrator Russell E. Train;

National Highway Traffic Safety Administration (NHTSA)—Administrator James B. Gregory;

Federal Railroad Administration (FRA)—Administrator Asaph H. Hall;

Food and Drug Administration (FDA)—Commissioner Alexander M. Schmidt; and

Federal Aviation Administration (FAA)—Administrator John L. McLucas.

The Committee questionnaire was sent only to officials serving during 1975 and with prospects of continuing to serve during 1976.[1] The questionnaire requested information concerning travel dates, expenditures, and destinations; attendance at regular and special meetings; and speaking engagements. A copy of the questionnaire appears in Appendix A of this report.

Additionally, each Chairman of the eight independent agencies (CAB, CPSC, FCC, FMC, FPC, FTC, ICC and NTSB) was requested to submit the following general information:

1. travel regulations applicable to the members of the Commission (Board);
2. all regulations pertaining to conflicts of interest applicable to Commission (Board) members, including but not limited to those dealing with stock ownership, outside income and acceptance of favors, and gratuities, etc.;
3. the procedures currently in effect for authorizing and approving travel by members of the Commission (Board); and
4. the requirements for filing and procedures for revealing financial disclosure statements of Commission (Board) members.

Summary of Findings

After receiving the completed travel questionnaires, the Committee staff prepared an analysis of the responses (a summary by agency and by individual Commissioner and Board member), which appears in the appendixes to this report.[2] This discussion refers to the 40 members of the 8 independent agencies, each of which is structured with a Commission or Board as the principal authority over its operations. It is not a review of the quality of public service performed by these Commissioners and Board members.

A number of questions and patterns emerged from the staff analysis which warranted further examination and the acquisition of relevant travel vouchers. Additionally, Senator Magnuson, Chairman of the Senate Committee on Commerce, requested the General Accounting Office to render its opinion on a few specific questions.

(The response from the Comptroller General appears in appendix C of this report.)

TRAVEL EXPENDITURES AND ABSENTEEISM

The maximum amount charged to the Government in 1 year by any Commissioner or Board member for travel, per diem, and all other

[1] Robert D. Timm of the CAB was not included in this study because he was in the process of leaving the Board when the study was initiated. He stopped serving as chairman on December 31, 1974; however, he did remain on the Board as a voting member until March 25, 1976.

[2] The full responses to the questionnaires can be obtained directly from the Commissioners or Board members, or alternatively, are in the Committee files.

travel expenses was $6,153.[3] Other than 5 Commissioners whose average annual travel expenditures ranged from $3,988 to $4,546 per year, most of the other 35 Commissioners and Board members reviewed in this study averaged between $1,000 and $2,000 per year for travel expenditures. The 40 Commissioners and Board members of the 8 agencies incurred a total of $301,741 during the 5-year survey period. A more significant figure might be for 1 year because the commencement date for each official's term varies throughout the 5-year period. For example, in 1975, the 40 members spent a total of $87,772, with the 7 Commissioners of the FCC spending the largest amount, $24,945.[4]

Also of interest to the Committee was the number of days these officials were away from Washington, D.C., on official travel status.[5] FCC Commissioners were on travel status more often than the Commissioners or Board members of any of the other agencies. Moreover, none of the trips by FCC Commissioners involved Commission hearings away from Washington, D.C., and only a few included a trip to a Commission regional office.[6]

Typically, officials with the higher yearly travel expenditures were also on travel status more often than other Commissioners and Board members. However, there was no direct correlation between high travel expenditures (or number of days on travel status) and high absentee rates from regular and special meetings of the relevant Commission or Board. Over half of the officials in this study were absent from at least 11 percent of their regular and special meetings, with the highest average absentee rate being 24 percent.

TRAVEL TO HOME STATE

The chart on the following page indicates the travel record of the Commissioners and Board members to their home states.

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[3] On November 17, 1975, Karl E. Bakke, former General Counsel of the Department of Commerce, became a member and chairman of the FMC. For the 1971–75 period reviewed by this study, Chairman Bakke had served on the Commission less than 2 months and had made only 3 trips. However, Senator Magnuson became aware of the fact that Chairman Bakke traveled extensively during his first 11 months on the Commission and subsequently requested Chairman Bakke to submit additional details regarding his official travel.

During his first 11 months on the Commission Chairman Bakke spent over $20,000 for travel and per diem expenses, including 4 overseas trips, which took Chairman Bakke away from Washington over 110 days out of 335. Chairman Bakke's travel is 3 times greater than the highest amount of travel expenditures of any of the 39 other Commissioners and Board members included in this discussion.

[4] See Appendix B.

[5] Commissioner Dole placed herself on official leave of absence from August 19–November 2, 1976, to participate as the wife of a Vice-Presidential nominee in the 1976 Presidential campaign.

[6] See Appendix D for comments by Chairman Wiley and Commissioner Lee of the FCC.

SUMMARY OF TRAVEL BY COMMISSIONER TO HOME STATE, 1971–75

Agency, Commissioner or Member, and home State	Total number of trips or places visited	Home State visits		Other places	
		Percent	Number	Percent	Number
CAB:					
Robson, Illinois [1]	9	11	1	88	8
Minetti, New York	4	0	0	100	4
O'Melia, Wisconsin	25	12	3	88	22
West, Oklahoma	17	6	1	94	16
CPSC:					
Simpson, California	51	12	6	88	45
Franklin, New York	42	24	10	76	32
Kushner, Maryland	27	0	0	100	27
Newman, District of Columbia	34	NA	NA	NA	NA
Pittle, Pennsylvania	37	19	7	81	30
FCC:					
Wiley, Illinois	135	19	26	81	109
Hooks, Tennessee	72	7	5	93	67
Lee, Illinois	66	9	6	91	60
Quello, Michigan	31	35	11	65	20
Reid, Illinois	61	38	23	62	38
Robinson, Utah	19	0	0	100	19
Washburn, Minnesota	13	8	1	92	12
FMC:					
Bakke, Virginia [1]	3	0	0	100	3
Barrett, Mississippi	13	62	8	38	5
Day, Maine	49	69	34	31	15
Morse, California	10	10	1	90	9
FPC:					
Dunham, New York [1]	4	50	2	50	2
Holloman, Mississippi [1]	4	50	2	50	2
Smith, Arkansas	29	28	8	72	21
Watt, Wyoming [1]	1	0	0	100	1
FTC:					
Dixon, Tennessee	22	23	5	77	17
Dole, North Carolina	13	15	2	85	11
Nye, California	3	33	1	66	2
ICC:					
Stafford, Kansas	83	7	6	93	77
Brown, West Virginia	16	13	2	88	14
Clapp, Massachusetts	16	40	6	60	10
Corber, Virginia	14	0	0	100	14
Gresham, Maryland	25	0	0	100	25
Hardin, Virginia	44	2	1	98	43
MacFarland, Tennessee [2]	21	24	5	76	16
Murphy, Georgia	51	18	9	82	42
O'Neal, Washington	49	22	11	78	38
NTSB:					
Haley, District of of Columbia	24	NA	NA	NA	NA
McAdams, District of Columbia	25	NA	NA	NA	NA
Reed, Maine	57	4	2	96	55
Thayer, Florida	30	3	1	97	29

[1] Not necessarily representative due to commencement of term.
[2] Upon further review it was found that 8 of Commissioner MacFarland's 16 trips to "other places" were routed via his home State of Tennessee.
NA. Not applicable.

About half of the Commissioners and Board members in this study made fewer than 16 percent of their official trips to home States. Furthermore, some of these officials never traveled to their home States on official business. However, in other cases travel to a home State at the taxpayer's expense was substantial: virtually 69 percent or 34 out of the 49 official business trips by one Commissioner were to his home State.[7] Additionally, many of the Commissioners and Board

[7] Commissioner Day, of the Federal Maritime Commission, frequently traveled to his home State of Maine. Of his 34 official trips to his home State, 30 were over weekend periods. Furthermore, 15 of these trips involved meetings with or functions of the Maine Maritime Academy. The academy trains merchant seamen, as do 6 other academies across the Nation, none of which has been visited by Commissioner Day or any other member of the Federal Maritime Commission.

In its report (see Appendix C), the GAO did not object to Commissioner Day designating these visits to the academy as official business. In his July 30, 1976, letter responding to the GAO question on the propriety of these trips, Commissioner Day indicated that "maintaining a dialogue with the Academy on government's role relative to the government-regulated maritime industry * * * was viewed by our Commission General Counsel James Pimper as consistent with the Commission's mission." However, Mr. Pimper died 8 months previously and did not render a written opinion to this effect. Commissioner Day has not sought an opinion on the propriety of such travel from the current General Counsel of the Commission.

members often routed their travel to other parts of the country via their home States.

This pattern of traveling to home States on official business was substantially in compliance with Government travel regulations applicable to Commissioners and Board members. However, the appearance of impropriety may arise because these officials approve their own travel.

An illustration of how such a trip could give the appearance of impropriety involves a Commissioner who traveled to several cities, the last being in his home State, where he took 2 days of annual leave before returning to Washington, D.C. His travel voucher indicates he arrived in his home State at 3:23 p.m. On the Committee questionnaire under the heading, "Identity of the group visited", the Commissioner listed "official business." According to his travel voucher, the official business occurred between 3:30 p.m. and 5 p.m., apparently beginning at the airport as soon as his flight arrived and ending within 1½ hours.

POTENTIAL CONFLICT OF INTEREST QUESTIONS

Part of the Committee's study included an analysis of speaking engagements and fees received by Commissioners and Board members. Of the regulators covered by this study, only three reported that they occasionally accepted room and board from some of the groups they addressed, groups which are often subject to regulation by the relevant Commission or Board. While this acceptance of gifts apparently did not violate any existing government regulations, it could suggest the appearance of a conflict of interest.

INTEREST GROUPS ADDRESSED

As to the groups addressed through speeches and travel, most Commissioners and Board members made a substantial number of appearances before industrial groups, anywhere from 10 to 58 percent of their total appearances. On the other hand, consumer groups were rarely addressed, or in some cases never addressed. One official balanced his appearances, spending 25 percent of them before consumer and safety groups, 21 percent before educational institutions, and only 16 percent before industrial groups. Many of the Commissioners and Board members also addressed professional societies or discussed issues with the media. Very few of them addressed civic groups. One Commissioner, however, did address a political party in his home State on several occasions.

GAO Findings

Senator Magnuson requested the General Accounting Office (GAO) to render its opinion on several questions arising from the data collected pursuant to this study. The response from GAO is incorporated in appendix C of this report.[8] The GAO found that the travel it re-

[8] The GAO report was delivered to Senator Magnuson on Oct. 6, 1976, before releasing it to the Commissioners named in the report. However, each Commissioner and Board member was given an opportunity to review and respond in writing to both the GAO report and this Committee report prior to publication as a Committee print. See p. 37.

viewed, such as Commissioner Day's trips to the Maine Maritime Academy, generally conformed with applicable laws and regulations.[9] It also found that the statutory authority for the payment of Commissioners' travel expenses is substantially similar to that applicable to all Federal employees, with one anomaly which could be abused and could affect the nature and amount of official travel by Commissioners and Board members: They approve their own travel.

GAO recommended that the respective heads of agencies insure that all Commissioners travel in accordance with congressional intent and with the Office of Management and Budget guidelines to minimize official travel.

One question of particular interest to the Committee was whether the travel regulations and conflict of interest regulations permit travel expenses to be paid by private organizations. The GAO would not render an opinion on this conflict of interest question because GAO believes this authority vests only with the Department of Justice or with the respective agency. However, to the extent the travel expenses were analyzed, GAO did issue a nonlegal opinion that when travel expenses are paid by private organizations it constitutes an improper augmentation of an agency's appropriations unless, as in the case of the Consumer Product Safety Commission, the agency has the authority to accept gifts (travel expenses) from private sources.

In a few instances, which are not discussed in the GAO report, it appeared that some Commissioners and Board members were overpaid for per diem and travel expenses. These instances often included trips to home States or trips combined with personal business and arguably were questionable. However, only nominal amounts were involved and the Committee staff agreed with the GAO staff recommendation not to pursue these instances.

There are some discrepancies between the data presented in the GAO report and the data in the appendixes of this report. For example, the figures for the total number of trips and the number of trips to the home States are often higher in the Committee data. This is explained by the Committee criterion that if one trip included stops at three destinations, it often was counted as three trips.

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[9] The GAO finding that an official may be reimbursed for the travel costs of returning from a vacation to Washington, D.C. to attend Commission meetings and then resuming his vacation out of town potentially could be abused, especially in view of the fact that Commissioners of regulatory agencies are exempted from the provisions of the Annual and Sick Leave Act and are considered as being on duty at all times. Commissioner Barrett's pattern of frequently charging his round-trip fare between his home State and Washington, D.C., in order to attend Federal Maritime Commission meetings, was reviewed by the GAO and found in conformance with applicable regulations. However, on one of these occasions he flew from his home State and remained in Washington, D.C. for 1 month before returning to his home State to resume his vacation—all travel at the expense of the Federal Government.

APPENDIX A.—QUESTIONNAIRE

Name: _____ Date: _____

Title: _____

1. On the attached form number 1, provide the following information concerning each trip you made during calendar years 1971 through 1975 which was related, directly or indirectly, to the office you hold:

(a) Purpose of the trip
(b) Identity of Group or Individual visited
(c) Date(s) of the trip
(d) TR number and amount
(e) Points of travel
(f) Amount of per diem received from the Federal Government
(g) Other expenses reimbursed by Federal Government
(h) Amount of any honorarium or other emoluments received
(i) Any transportation, services, and other items of value provided by any person or organization other than the Federal Government (show nature, name of provider, and value if known)
(j) Person authorizing travel (if required)

2. During each of the calendar years 1971 through 1975, what was the total amount of your travel expenditures? Please specify the total amount paid by the Federal Government and the amount paid by other persons or organizations.

3. During each of the calendar years 1971 through 1975, what was the total number of days you were on travel status for any reason related directly or indirectly to the office you hold?

4. On the attached form number 2, provide the following information concerning each of your speaking engagements, during the calendar years 1971 through 1975, which did not involve out-of-town travel:

(a) Date
(b) Subject of presentation
(c) Name of sponsoring organization
(d) Amount of honorarium, speakers fee or other compensation

5. During each of the calendar years 1971 through 1975, what was the total number of regular and special meetings of your commission or board? At how many such meetings were you physically present? At how many such meetings did you participate through the exercise of your proxy (if permissible under the rules of your agency)?

6. During your term of office have you accepted any transportation, services or other items of value from representatives of any company or organization subject to your agency's jurisdiction? (other than those itemized in question number one) If so, please provide details.

Signature _____

FORM NUMBER I

(a) Purpose of trip	(b) Identity of group visited	(c) Date(s) of trip	(d) TR number and amount	(e) Points of travel	(f) Amount of per diem	(g) Other expenses	(h) Honorarium or other emoluments	(i) Items provided other than by Government		(j) Person authorizing travel
								Item	Value	

FORM NUMBER 2

(a) Date	(b) Subject	(c) Sponsor	(d) Honorarium or other compensation

APPENDIX B.—STATISTICAL TABLES

1975 SUMMARY OF COMMISSIONERS' TRAVEL BY AGENCY

Agency	Amount
CAB:	
Robson	$1,154
Minetti	1,369
O'Melia	2,568
West	2,149
Total	7,240
CPSC:	
Simpson	5,801
Franklin	3,046
Kushner	1,700
Newman	2,691
Pittle	3,255
Total	16,493
FCC:	
Wiley	4,175
Hooks	3,740
Lee	3,241
Quello	3,756
Reid	3,488
Robinson	3,126
Washburn	3,419
Total	24,945
FMC:	
Bakke	1,250
Barrett	197
Day	1,388
Morse	138
Total	2,973
FPC:	
Dunham	525
Holloman	1,400
Smith	3,680
Watt	262
Total	5,867
FTC:	
Dixon	908
Dole	1,389
Nye	1,005
Total	3,302

Agency	Amount
ICC:	
Stafford	$3,496
Brown	1,344
Clapp	2,157
Corber	2,967
Gresham	2,375
Hardin	1,832
MacFarland	1,539
Murphy	1,131
O'Neal	5,116
Total	21,957
NTSB:	
Haley	317
McAdams	1,511
Reed	2,736
Thayer	431
Total	4,995
Total for eight agencies	87,772

SUMMARY OF ATTENDANCE AND ABSENCE BY COMMISSIONER AT REGULAR AND SPECIAL MEETINGS, 1971–75 AVERAGE

[In percent]

Agency, Commissioner, or Member	Attended	Absent
CAB:		
Robson	[1]	[1]
Minetti	88	12
O'Melia	86	14
West	82	18
CPSC:		
Simpson	90	10
Franklin	84	16
Kushner	87	13
Newman	89	11
Pittle	93	7
FCC:		
Wiley	98	2
Hooks	89	11
Lee	[4] 89	[4] 11
Quello	91	9
Reid	87	13
Robinson	97	3
Washburn	94	6
FMC:		
Bakke	86	14
Barrett	76	24
Day	87	13
Morse	91	9
FPC:		
Dunham	96	4
Holloman	98	2
Smith	98	2
Watt	100	0
FTC:		
Dixon	98	2
Dole	95	5
Nye	98	2
ICC:		
Stafford	90	10
Brown	88	12
Clapp	91	9
Corber	87	13
Gresham	90	10
Hardin	84	16
MacFarland	85	[2] 15
Murphy	85	15
O'Neal	85	15
NTSB:		
Haley	86	14
McAdams	90	10
Reed	91	9
Thayer	80	[3] 20

[1] Insufficient information given due to commencement of term.
[2] Commissioner MacFarland reported that most of his absences were due to open heart surgery in 1974.
[3] Member Thayer reported that 46 percent of his absences were due to hospitalization and convalescence.
[4] See letter from Commissioner Lee in Appendix D for further explanation.

Civil Aeronautics Board

CAB—SUMMARY OF BOARD MEMBERS' TRAVEL (1971–75)

	Robson [1]		Minetti		O'Melia		West	
	Amount	Days	Amount	Days	Amount	Days	Amount	Days
Year:								
1971			$1,858	38				
1972			None					
1973			None		$368	3	$239	5
1974			1,397	8	5,207	73	5,239	70
1975	$1,154	14	1,369	16	2,568	29	2,149	14
Total	1,154	14	4,624	62	8,143	105	7,627	89
Average per year	1,154	14	925	12	[2] 3,888	35	[2] 3,694	30

[1] Not necessarily representative; term commenced Apr. 21, 1975.
[2] This is the average for 1974 and 1975; 1973 was not included in the calculation due to the late commencement of his term that year.

ATTENDANCE AND ABSENCE OF MEMBERS OF CAB AT BOARD MEETINGS, 1971–75

[In percent]

Member	Term commenced	1971–75 average		
		Attended	Absent	Proxy used as a percent of number absent
Robson (Chairman)	Apr. 21, 1975	(1)	(1)	(1)
Minetti	June 11, 1956	88	12	11
O'Melia	Nov. 26, 1973	86	14	16
West	Nov. 21, 1973	82	18	0

[1] Insufficient information given by member (often due to commencement of term).

YEAR-BY-YEAR SUMMARY

Year and member's name	Total number of meetings	Attended		Absent		Proxy used	
		Percent	Number	Percent	Number	Percent of number absent	Number
1971: Minetti	47	79	37	21	10	10	1
1972: Minetti	40	78	31	22	9	11	1
1973:							
Minetti	46	93	43	7	3	67	2
O'Melia [1]	46		4				
West [1]	46		2				
1974:							
Minetti	61	92	56	8	5	0	0
O'Melia	61	79	48	21	13	23	3
West	61	77	47	23	14	0	0
1975:							
Robson [1]	114		66				4
Minetti	114	92	105	8	9	0	0
O'Melia	114	89	102	11	12	8	1
West	114	84	96	16	18	0	0

[1] Insufficient information given by member (often due to commencement of term).

78-925—76——2

SUMMARY OF GROUPS VISITED AND ADDRESSED BY MEMBERS OF CAB

Member and category of group	Visits and speeches	
	Percent	Number
Robson [1]—Chairman:		
Negotiations and consultation with foreign officials	0	0
Educational institutions	8	1
Inaugural flights or ceremonial visits	0	0
Industrial groups	17	2
Media	8	1
Professional societies	8	1
State, local or regional officials or organizations	0	0
Other [2]	58	7
Total	99	12
Minetti: Negotiations and consultation with foreign officials	100	4
O'Melia:		
Negotiations and consultation with foreign officials	31	8
Educational institutions	0	0
Hearings	4	1
Federal agencies or regional offices	4	1
Inaugural flights or ceremonial visits	4	1
Industrial groups	19	5
Media	0	0
Professional societies	4	1
State, local or regional officials or organizations	31	8
Other [2]	4	1
Total	101	26
West:		
Negotiations and consultation with foreign officials	47	8
Educational institutions	0	0
Hearings	6	1
Inaugural flights or ceremonial visits	6	1
Industrial groups	35	6
Media	0	0
Professional societies	0	0
State, local or regional officials or organizations	0	0
Other [3]	6	1
Total	100	17

[1] Not necessarily representative; term commenced Apr. 21, 1975.
[2] Includes civic organizations, clubs.

Consumer Product Safety Commission

CPSC—SUMMARY OF COMMISSIONERS' TRAVEL (1973–75)

	Simpson		Franklin		Kushner		Newman		Pittle	
	Amount	Days	Amount	Days	Amount	Days	Amount	Days	Amount	Days
Year:										
1973	$1,807	23	$2,356	27	$1,925	15	$1,219	9	$597	3.75
1974	[1] 5,230	36	3,957	28.75	3,151	20.5	1,732	19	3,994	24.5
1975	[1] 5,801	33	3,046	23.75	[2] 1,700	19.25	2,691	13.75	3,255	26
Total	12,838	92	9,359	79.5	6,776	54.75	5,642	41.75	7,846	54.2
Average per year	4,279	30.7	3,120	26.5	2,259	18.25	1,881	13.9	2,615	18.1

[1] These amounts indicate travel expenditures paid by the Federal Government; for these years Simpson also reported that an unknown amount of lodging and other miscellaneous expenditures were paid by other organizations or persons.
[2] This amount indicates travel expenditures paid by the Federal Government; for this year Kushner also reported $251.67 in travel expenditures paid by other organizations or persons.

ATTENDANCE AND ABSENCE OF COMMISSIONERS OF CPSC AT COMMISSION MEETINGS, 1973–75

[In percent]

Commissioner	Term commenced	1973–75 averaga					
		Total		Regular meetings		Special meetings	
		Attended	Absent	Attended	Absent	Attended	Absent
Simpson	May 10, 1973	90	10	90	10	91	9
Franklin	do	84	16	86	14	79	21
Kushner	do	87	13	87	13	88	12
Newman	do	89	11	90	10	86	14
Pittle	Sept. 17, 1973	93	7	93	7	88	12

ATTENDANCE AND ABSENTEEISM OF COMMISSIONERS OF CPSC AT COMMISSION MEETINGS, 1973–75

[Year-by-year summary]

Year and Commissioner's name	Total number of meetings	Attended		Absent		Regular meetings					Special meetings				
							Attended		Absent			Attended		Absent	
		Percent	Number	Percent	Number	Total	Percent	Number	Percent	Number	Total	Percent	Number	Percent	Number
1973:															
Simpson	53	98	52	2	1	30	97	29	3	1	23	100	23	0	0
Franklin	53	81	43	19	10	30	77	23	23	7	23	87	20	13	3
Kushner	53	79	42	21	11	30	73	22	27	8	23	87	20	13	3
Newman	53	92	49	8	4	30	93	28	7	2	23	91	21	9	2
Pittle	22	100	22	0	0	16	100	16	0	0	6	100	6	0	0
1974:															
Simpson	72	83	60	17	12	57	84	48	16	9	15	80	12	20	3
Franklin	72	88	63	12	9	57	91	52	9	5	15	73	11	27	4
Kushner	72	88	63	12	9	57	88	50	12	7	15	87	13	13	2
Newman	72	89	64	11	8	57	89	51	11	6	15	87	13	13	2
Pittle	72	92	66	8	6	57	95	54	5	3	15	80	12	20	3
1975:															
Simpson	68	91	62	9	6	63	92	58	8	5	5	80	4	20	1
Franklin	68	84	57	16	11	63	86	54	14	9	5	60	3	40	2
Kushner	68	93	63	7	5	63	92	58	8	5	5	100	5	0	0
Newman	68	87	59	13	9	63	89	56	11	7	5	60	3	40	2
Pittle	68	91	62	9	6	63	90	57	10	6	5	100	5	0	0

SUMMARY OF GROUPS VISITED AND ADDRESSED BY COMMISSIONERS OF CPSC

Commissioner and category of group	Visits and speeches	
	Percent	Number
Simpson, Chairman:		
Consumer or safety groups	4	4
Educational institutions	5	5
Federal agencies or regional offices	17	16
Industrial groups	32	30
Media	20	19
Professional societies	14	13
State, local, or regional officials or organizations	0	0
Other [1]	8	8
Total	100	95
Franklin:		
Consumer or safety groups	8	7
Educational institutions	2	2
Federal agencies or regional offices	29	26
Industrial groups	18	16
Media	25	23
Professional societies	7	7
State, local, or regional officials or organizations	3	3
Other [1]	8	7
Total	100	91
Kushner:		
Consumer or safety groups	6	2
Educational institutions	6	2
Federal agencies or regional offices	11	4
Industrial groups	22	8
Media	8	3
Professional societies	36	13
State, local, or regional officials or organizations	3	1
Other [1]	8	3
Total	100	36
Newman:		
Consumer or safety groups [2]	0	0
Educational institutions	11	7
Federal agencies or regional offices	12	8
Industrial groups	36	24
Media	5	3
Professional societies	17	11
State, local, or regional officials or organizations	2	1
Other [1]	18	12
Total	101	66
Pittle:		
Consumer or safety groups	25	14
Educational institutions	21	12
Federal agencies or regional offices	2	2
Industrial groups	16	9
Media	5	3
Professional societies	16	9
State, local, or regional officials or organizations	4	2
Other [1]	11	6
Total	100	57

[1] Includes civic organizations; international visits; clubs.
[2] See letter from Ms. Newman, Appendix D, stating that seven of her visits were to consumer or safety groups rather than professional societies or other groups as categorized by the staff.

Federal Communications Commission

FCC—SUMMARY OF COMMISSIONERS' TRAVEL (1971–75)

	Wiley		Hooks		Lee		Quello		Reid		Robinson		Washburn	
	Amount	Days	Amount	Days	Amount	Days	Amount	Days	Amount	Days	Amount	Days	Amount	Days
Year:														
1971	[1] $3,229	35.5	----------		$3,012	59.5	----------		None		----------		----------	
1972	4,720	37	$2,650	33	2,279	21.25	----------		[2] $4,263	33	----------		----------	
1973	[3] 4,653	40	3,214	31	5,655	99.75	----------		[2] 2,385	15.75	----------		----------	
1974	[3] 4,634	35.75	3,475	36	5,051	87.25	$3,855	38	[2] 2,469	15	$985	23	$266	2
1975	[3] 4,175	28.25	3,740	39	3,241	36.25	3,756	33	3,488	16.5	3,126	30	3,419	28.5
Total	21,411	176.5	13,079	139	[5] 19,238	[5] 304	7,611	71	12,605	80.25	4,111	53	3,685	30.5
Average per year	[4] 4,546	35.3	3,270	34.75	[5] 3,848	[5] 60.8	3,806	35.5	2,521	16	2,056	26.5	1,842	15.25

[1] 1971, Wiley was not a Commissioner. This figure represents his travel while serving as GC of the FCC.

[2] These amounts indicate travel expenditures paid by the Federal Government; for these years Reid also reported the following additional travel expenditures were paid by other organizations while on official Commission business 1972—$30; 1973—$379; 1974—$644.20.

[3] These amounts indicate travel expenditures paid by the Federal Government; for these years Wiley also reported the following additional travel expenditures were paid by ABA or FBA while on official Commission business: 1973—$450.74; 1974—$257.27. Travel expenses were also accepted by Wiley from the ABA and FBA for activities not regarded as Commission business in the following amounts: 1974—$205.53; 1975—$797.71.

[4] The average is based on the 4-year period Wiley served as Commissioner.

[5] In appendix D, Commissioner Lee explains that approximately 166 of the 304 days on "travel status" involved his participation in meetings of the International Telecommunications Union. (ITU).–

ATTENDANCE AND ABSENCE OF COMMISSIONERS OF FCC AT COMMISSION MEETINGS, 1971–75

[In percent]

Commissioner	Term commenced	1971–75 average					
		Total		Regular meetings		Special meetings	
		Attended	Absent	Attended	Absent	Attended	Absent
Wiley (Chairman)	Jan. 5, 1972	98	2	99	1	97	3
Hooks	July 5, 1972	89	11	91	9	86	14
Lee [1]	Oct. 6, 1953	88	12	86	14	91	9
Quello	Apr. 30, 1974	91	9	94	6	88	12
Reid	Oct. 8, 1971	87	13	86	14	89	11
Robinson	July 10, 1974	97	3	95	5	98	2
Washburn	July 10, 1974	94	6	95	5	94	6

[1] Commissioner Lee's attendance is considerably higher if his participation by telephone from ITU meetings is included. See appendix D.

ATTENDANCE AND ABSENCE OF COMMISSIONERS OF FCC AT COMMISSION MEETINGS, 1971–75

[Year-by-year summary]

Year and Commissioner's name	Total number of meetings	Attended		Absent		Regular meetings					Special meetings				
							Attended		Absent			Attended		Absent	
		Percent	Number	Percent	Number	Total	Percent	Number	Percent	Number	Total	Percent	Number	Percent	Number
1971:															
Lee	67	82	55	18	12	44	77	34	23	10	23	91	21	9	2
Reid	18	89	16	11	2	9	78	7	22	2	9	100	9	0	0
1972:															
Wiley	77	95	73	5	4	49	96	47	4	2	28	93	26	7	2
Hooks	38	87	33	13	5	26	96	25	4	1	12	67	8	33	4
Lee	77	91	70	9	7	49	88	43	12	6	28	96	27	4	1
Reid	77	83	64	17	13	49	80	39	20	10	28	89	25	11	3
1973:															
Wiley	85	96	82	4	3	51	98	50	2	1	34	94	32	6	2
Hooks	85	91	77	9	8	51	92	47	8	4	34	88	30	12	4
Lee	85	75	64	25	21	51	78	40	22	11	34	71	24	29	10
Reid	85	88	75	12	10	51	86	44	14	7	34	91	31	9	3
1974:															
Wiley	105	100	105	0	0	70	100	70	0	0	35	100	35	0	0
Hooks	105	93	98	7	7	70	94	66	6	4	35	91	32	9	3
Lee	105	[1] 87	[1] 91	[1] 13	[1] 14	70	[1] 81	[1] 57	[1] 19	[1] 13	35	97	34	3	1
Quello	70	91	64	9	6	46	96	44	4	2	24	83	20	17	4
Reid	105	92	97	8	.8	70	91	64	9	6	35	94	33	6	2
Robinson	55	95	52	5	3	32	94	30	6	2	23	96	22	4	1
Washburn	55	98	54	2	1	32	97	31	3	1	23	100	23	0	0
1975:															
Wiley	176	99	175	1	1	88	100	88	0	0	88	99	87	1	1
Hooks	176	87	153	13	23	88	88	77	12	11	88	86	76	14	12
Lee	176	97	170	3	6	88	99	87	1	1	88	94	83	6	5
Quello	176	91	161	9	15	88	93	82	7	6	88	90	79	10	9
Reid	176	85	150	15	26	88	85	75	15	13	88	85	75	15	13
Robinson	176	97	171	3	5	88	95	84	5	4	88	99	87	1	1
Washburn	176	93	164	7	12	88	94	83	6	5	88	92	81	8	7

[1] For 8 additional meetings, Commissioner Lee received the agenda by courier and voted by telephone from an ITU meeting. See appendix D.

SUMMARY OF GROUPS VISITED AND ADDRESSED BY COMMISSIONERS OF FCC

Member and category of group	Visits and speeches	
	Percent	Number
Wiley, Chairman:		
Educational institutions	6	11
Federal agencies or regional offices	6	11
Industrial groups [1]	57	103
Media	1	2
Professional societies	18	33
State, local, or regional officials or organizations	2	3
Station anniversary or inauguration	0	0
Other [2]	10	19
Total	100	182
Hooks:		
Education institutions	8	6
Federal agencies or regional offices	10	8
Industrial groups [1]	51	40
Media	6	5
Professional societies	8	6
State, local, or regional officials or organizations	0	0
Station anniversary or inauguration	3	2
Other [2]	14	11
Total	100	78
Lee:		
Educational institutions	5	4
Federal agencies or regional offices	3	2
Industrial groups [1]	46	34
Media	4	3
Professional societies	8	6
State, local, or regional officials or organizations	3	2
Station anniversary or inauguration	1	1
Other [2]	30	22
Total	100	74
Quello:		
Educational institutions	10	3
Federal agencies or regional offices	0	0
Industrial groups [1]	58	18
Media	0	0
Professional societies	6	2
State, local, or regional officials or organizations	6	2
Station anniversary or inauguration	3	1
Other [2]	16	5
Total	99	31
Reid:		
Educational institutions	5	3
Federal agencies or regional offices	5	3
Industrial groups [1]	55	35
Media	0	0
Professional societies	11	7
State, local, or regional officials or organizations	0	0
Station anniversary or inauguration	0	0
Other [2]	25	16
Total	101	64
Robinson:		
Educational institutions	22	5
Federal agencies or regional offices	0	0
Industrial groups [1]	43	10
Media	4	1
Professional societies	17	4
State, local, or regional officials or organizations	4	1
Station anniversary or inauguration	0	0
Other [2]	9	2
Total	99	23
Washburn:		
Educational institutions	0	0
Federal agencies or regional offices	0	0
Industrial groups [1]	56	10
Media	6	1
Professional societies	22	4
State, local, or regional officials or organizations	6	1
Station anniversary or inauguration	0	0
Other [2]	11	2
Total	101	18

[1] Includes broadcasting associations and TV stations .
[2] Includes civic organizations, religious groups, clubs.

Federal Maritime Commission

FMC—SUMMARY OF COMMISSIONERS' TRAVEL (1971–75)

	Bakke [1]		Barrett		Day [2]		Morse	
	Amount	Days	Amount	Days	Amount	Days	Amount	Days
Year:								
1971			$1,839	29	$3,569	37		
1972			381	16	3,369	24	[3] $795	8
1973			2,387	29	2,753	27	[3] 1,045	14
1974			535	8	2,229	20	[3] 323	2
1975	$1,250	6	197	2	1,388	13	138	2
Total	1,250	6	5,339	84	13,308	121	2,301	26
Average per year	1,250	6	1,068	17	2,662	24	575	7

[1] Not representative; term commenced Nov. 17, 1975; however during his first 11 months on the Commission he spent $20,326 on official travel.

[2] A review of Commissioner Day's travel vouchers found that these amounts as reported to the Committee were not complete; on several trips Day was also reimbursed by the Government for car rentals.

[3] These amounts indicate travel expenditures paid by the Federal Government; for these years Morse also reported the following additional travel expenditures were paid by other organizations or persons: 1972—$17.50; 1973—$15; 1975—$12.50.

ATTENDANCE AND ABSENCE OF COMMISSIONERS OF FMC AT COMMISSION MEETINGS, 1971–75

[In percent]

		1971–75 average		
Commissioner	Term commenced	Attended	Absent	Proxy used as a percent of number absent
Bakke	Nov. 17, 1975	86	14	0
Barrett	Sept. 26, 1961	76	24	79
Day	Feb. 12, 1962	87	13	79
Morse	Oct. 12, 1971	91	9	54

YEAR-BY-YEAR SUMMARY

		Attended		Absent		Proxy used	
Year and commissioner's name	Total meetings	Percent	Number	Percent	Number	Percent of number absent	Number
1971:							
Barrett	91	73	66	27	25	60	15
Day	91	92	84	8	7	86	6
Morse [1]	22	95	21	5	1	0	0
1972:							
Barrett	92	82	75	18	17	76	13
Day	92	89	82	11	10	70	7
Morse	92	92	85	8	7	43	3
1973:							
Barrett	87	72	63	28	24	79	19
Day	87	79	69	21	18	72	13
Morse	87	85	74	15	13	27	4
1974:							
Barrett	86	78	67	22	19	84	16
Day	86	87	75	13	11	82	9
Morse	86	91	78	9	8	88	7
1975:							
Bakke [2]	7	86	6	14	1	0	0
Barrett	91	75	68	25	23	96	22
Day	91	87	79	13	12	92	11
Morse	91	93	85	7	6	83	5

[1] Appointed Oct. 12, 1971. A total of 22 meetings were held during 1971 from time of appointment.

[2] Appointed Nov. 17, 1975. A total of 7 meetings were held during 1975 from time of appointment; absent from 1 of those meetings.

SUMMARY OF GROUPS VISITED AND ADDRESSED BY COMMISSIONERS OF FMC

Member and category of group	Visits and speeches	
	Percent	Number
Bakke [1] Chairman:		
Educational institutions	0	0
Federal agencies or regional offices	40	2
Industrial groups	60	3
Professional societies	0	0
State, local, or regional offices or organizations	0	0
Other [2]	0	0
Total	100	5
Barrett:		
Educational institutions	0	0
Federal agencies or regional offices	36	5
Industrial groups	21	3
Professional societies	0	0
State, local, or regional offices or organizations	14	2
Other [2]	29	4
Total	100	14
Day:		
Educational institutions	34	18
Federal agencies or regional offices	4	2
Industrial groups	13	7
Professional societies	0	0
State, local, or regional offices or organizations	21	11
Other [2]	28	15
Total	100	53
Morse:		
Educational institutions	10	1
Federal agencies or regional offices	10	1
Industrial groups	40	4
Professional societies	10	1
State, local, or regional offices or organizations	20	2
Other [2]	10	1
Total	100	10

[1] Not necessarily representative; term commenced Nov. 17, 1975.
[2] Includes civic organizations, clubs.

FPC—SUMMARY OF COMMISSIONERS' TRAVEL (1974–75)

	Dunham[1]		Holloman[2]		Smith		Watt[3]	
	Amount	Days	Amount	Days	Amount	Days	Amount	Days
Year:								
1974					$4,487	30.75		
1975	$525	6	$1,400	7	3,680	24.75	$262	2.5
Total	525	6	1,400	7	8,167	55.5	262	2.5
Average per year	525	6	1,400	7	4,084	27.75	262	2.5

[1] Not necessarily representative; term commenced Oct. 20, 1975.
[2] Not necessarily representative; term commenced Sept. 3, 1975.
[3] Not necessarily representative; term commenced Nov. 11, 1975.

ATTENDANCE AND ABSENCE OF COMMISSIONERS OF FPC AT COMMISSION MEETINGS, 1974–75

[In percent]

Commissioner	Term commenced	1974–75 average					
		Total		Regular meetings		Special meetings	
		Attended	Absent	Attended	Absent	Attended	Absent
Dunham (Chairman)	Oct. 20, 1975	96	4				
Holloman	Sept. 3, 1975	98	2	96	4	100	
Smith	Dec. 13, 1973	98	2	96	4	98	2
Watt	Nov. 11, 1975	100	0				

ATTENDANCE AND ABSENCE OF COMMISSIONERS OF FPC AT COMMISSION MEETINGS, 1974–75

[Year-by-year summary]

Year and commissioner's name	Total number of meetings	Attended		Absent		Regular meetings					Special meetings				
							Attended		Absent			Attended		Absent	
		Percent	Number	Percent	Number	Total	Percent	Number	Percent	Number	Total	Percent	Number	Percent	Number
1974: Smith	191	97	185	3	6	50	96	48	4	2	141	97	137	3	4
1975:															
Dunham	24	96	23	4	1	26	96	25	4	1	33	100	33	0	0
Holloman	59	98	58	2	1	73	96	70	4	3	106	100	106	0	0
Smith	179	98	176	2	3										
Watt	16	100	16	0	0										

SUMMARY OF GROUPS VISITED AND ADDRESSED BY COMMISSIONERS OF FPC

Commissioner and category of group	Visits and speeches	
	Percent	Number
Dunham, [1] Chairman:		
Educational institutions	0	0
Federal agencies or regional offices	17	1
Industrial groups	17	1
Professional societies	33	2
State, local, or regional groups or organizations [2]	0	0
Other [3]	33	2
Total	100	6
Holloman: [4]		
Educational institutions	0	0
Federal agencies or regional offices	25	1
Industrial groups	50	2
Professional societies	0	0
State, local, or regional groups or organizations [2]	0	0
Other [3]	25	1
Total	100	4
Smith:		
Educational institutions	9	3
Federal agencies or regional offices	3	1
Industrial groups	26	9
Professional societies	12	4
State, local, or regional groups or organizations [2]	38	13
Other [3]	12	4
Total	100	34
Watt: [5] Industrial groups	100	1

[1] Not representative; term commenced Oct. 20, 1975.
[2] Includes utility commissions.
[3] Includes civic organizations, clubs.
[4] Not representative; term commenced Sept. 3, 1975.
[5] Not representative; term commenced Nov. 11, 1975.

Federal Trade Commission

FTC—SUMMARY OF COMMISSIONERS' TRAVEL

	Dixon		Dole		Nye	
	Amount	Days	Amount	Days	Amount	Days
Year:						
1971	$977	20.0	----	----	----	----
1972	[1] 1,553	21.0	----	----	----	----
1973	[1] 1,294	16.0	----	----	----	----
1974	474	6.0	$687	9	0	0
1975	[1] 908	11.0	1,389	11	$1,005	11.0
Total	5,206	74.0	2,076	18	1,005	11.0
Average per year	1,041	14.8	1,038	9	503	5.5

[1] These amounts indicate travel expenditures paid by the Federal Government. For these years Dixon also reported the following additional travel expenditures were paid by other organizations while on official Commission business: 1972—$120 plus; 1973—unknown value; 1975—$52.

ATTENDANCE AND ABSENCE OF COMMISSIONERS OF FTC AT COMMISSION MEETINGS, 1971–75

[In percent]

Commissioner	Term commenced	1971–75 average					
		Total		Regular meetings		Special meetings	
		Attended	Absent	Attended	Absent	Attended	Absent
Dixon	Dec. 21, 1961	98	2	99	1	98	2
Dole	Dec. 4, 1973	94	6	94	6	94	6
Nye	May 10, 1974	98	2	100	0	96	4

ATTENDANCE AND ABSENCE OF COMMISSIONERS OF FTC AT COMMISSION MEETINGS, 1971–75

[Year-by-year summary]

Year and Commissioner's name	Total number of meetings	Attended		Absent		Regular meetings					Special meetings [1]				
							Attended		Absent			Attended		Absent	
		Percent	Number	Percent	Number	Total	Percent	Number	Percent	Number	Total	Percent	Number	Percent	Number
1971: Dixon	115	100	115	0	0	57	100	57	0	0	58	100	58	0	0
1972: Dixon	130	97	126	3	4	62	97	60	3	2	68	97	66	3	2
1973: Dixon	89	98	87	2	2	52	98	51	2	1	37	97	36	3	1
1974:															
Dixon	86	100	86	0	0	47	100	47	0	0	39	100	39	0	0
Dole	86	97	83	3	3	47	96	45	4	2	39	97	38	3	1
Nye	43	100	43	0	0	24	100	24	0	0	19	100	19	0	0
1975:															
Dixon	78	97	76	3	2	47	100	47	0	0	31	94	29	6	2
Dole	78	91	71	9	7	47	92	43	8	4	31	90	28	10	3
Nye	75	97	73	3	2	47	100	47	0	0	28	93	26	7	2

[1] Commissioners Dixon and Nye listed their attendance at regular, special, and other meetings. For the purpose of this summary, "special" and "other" were added together under the category of "special."

SUMMARY OF GROUPS VISITED AND ADDRESSED BY COMMISSIONERS OF FTC

Commissioner and category of group	Visits and speeches	
	Percent	Number
Dixon:		
Consumer or safety groups	3	1
Educational institutions	19	6
Federal agencies or regional offices	9	3
Industrial groups	41	13
Media	6	2
Professional societies	9	3
State, local, or regional officials or organizations	3	1
Other [1]	9	3
Total	99	32
Dole:		
Consumer or safety groups	4	1
Educational institutions	20	5
Federal agencies or regional offices	12	3
Industrial groups	20	5
Media	20	5
Professional societies	4	1
State, local, or regional officials or organizations	0	0
Other [1]	20	5
Total	100	25
Nye:		
Consumer or safety groups	0	0
Educational institutions	0	0
Federal agencies or regional offices	0	0
Industrial groups	11	1
Media	0	0
Professional societies	67	6
State, local, or regional officials or organizations	0	0
Other [1]	22	2
Total	100	

[1] Includes civic organizations, clubs, international visits.

Interstate Commerce Commission

ICC—SUMMARY OF COMMISSIONERS' TRAVEL (1971–75)

	Stafford		Brown		Clapp		Corber [1]		Gresham		Hardin		MacFarland		Murphy		O'Neal	
	Amount	Days	Amount	Days	Amount	Days	Amount	Days	Amount	Days	Amount	Days	Amount	Days	Amount	Days	Amount	Days
Year:																		
1971	$2,676	23.5	0	0					$964	12	$1,913	21.5			$2,089	18.25		
1972	2,606	23	0	0					2,716	38	1,959	22.75			3,865	34.75		
1973	5,008	47.5	$958	8.5					1,283	14	1,450	9.25	$1,797	15.25	2,238	22.75	$2,781	17.25
1974	6,153	33.25	1,092	7.5	$805	10.25			767	7	2 382	20.25	1,422	15.25	2,501	22.75	5,256	24.5
1975	3,496	23	1,344	11.25	2,157	21.75	$2,967	17.5	2,375	21	1,832	12.25	1,539	16.75	1,131	15.25	5,116	28.75
Total	19,939	150.25	3,394	27.25	2,962	32	2,967	17.5	8,105	92	9,536	86.00	4,758	47.25	11,824	113.75	13,153	70.5
Average per year	3,988	30.1	679	5.5	1,481	16	2,967	17.5	1,621	18.4	1,907	17.2	1,586	15.75	2,365	22.75	4,384	23.5

[1] Not necessarily representative; term commenced Mar. 19, 1975.

ATTE NDANCE AND ABSENCE OF COMMISSIONERS OF ICC AT COMMISSION MEETINGS, 1971-75

[In percent]

Commissioner	Term commenced	1971-75 average					
		Total		Regular meetings		Special meetings	
		Attended	Absent	Attended	Absent	Attended	Absent
Stafford (Chairman)	Apr. 26, 1967	90	10	93	7	88	12
Brown	May 25, 1964	88	12	98	2	85	15
Clapp	Mar. 14, 1974	91	9	----	----	----	----
Corber	Mar. 13, 1975	90	10	----	----	----	----
Gresham	Dec. 15, 1969	90	10	91	9	90	10
Hardin	July 31, 1967	85	15	93	7	83	17
MacFarland	Nov. 1, 1972	85	15	95	5	82	18
Murphy	Dec. 30, 1955	85	15	88	12	84	16
O'Neal	Apr. 12, 1973	85	15	92	8	----	----

ATTENDANCE AND ABSENCE OF COMMISSIONERS OF ICC AT COMMISSION MEETINGS, 1971–75

[Year-by-year summary]

Year and Commissioner's name	Total number of meetings	Attended		Absent		Regular meetings					Special meetings				
							Attended		Absent			Attended		Absent	
		Percent	Number	Percent	Number	Total	Percent	Number	Percent	Number	Total	Percent	Number	Percent	Number
1971:															
Stafford	44	84	37	16	7	12	83	10	17	2	32	84	27	16	5
Brown	44	91	40	9	4	12	100	12	0	0	32	88	28	12	4
Gresham	44	93	41	7	3	12	92	11	8	1	32	94	30	6	2
Hardin	44	89	39	11	5	12	92	11	8	1	32	88	28	12	4
Murphy	44	86	38	14	6	12	92	11	8	1	32	84	27	16	5
1972:															
Stafford	25	96	24	4	1	9	100	9	0	0	16	94	15	6	1
Brown	25	92	23	8	2	9	89	8	11	1	16	94	15	6	1
Gresham	25	76	19	24	6	9	89	8	11	1	16	69	11	31	5
Hardin	25	76	19	24	6	9	100	9	0	0	16	63	10	37	6
Murphy	25	92	23	8	2	9	100	9	0	0	16	88	14	12	2
1973:															
Stafford	38	87	33	13	5	9	89	8	11	1	29	86	25	14	4
Brown	38	82	31	18	7	9	100	9	0	0	29	76	22	24	7
Gresham	38	82	31	18	7	9	89	8	11	1	29	79	23	21	6
Hardin	38	82	31	18	7	9	89	8	11	1	29	79	23	21	6
MacFarland	38	89	34	11	4	9	100	9	0	0	29	86	25	14	4
Murphy	38	68	26	32	12	9	78	7	22	2	29	66	19	34	10
O'Neal [1]	29	69	20	31	9		100		0	0					9
1974:															
Stafford	35	86	30	14	5	6	100	6	0	0	29	83	24	17	5
Brown	35	86	30	14	5	6	100	6	0	0	29	83	24	17	5
Clapp [2]	29	86	25	14	4						1				3
Gresham	35	94	33	6	2	6	83	5	17	1	29	97	28	3	1
Hardin	35	83	29	17	6	6	100	6	0	0	29	79	23	21	6
MacFarland [3]	35	71	25	29	10	6	83	5	17	1	29	69	20	31	9
Murphy	35	89	31	11	4	6	100	6	0	0	29	86	25	14	4
O'Neal	35	94	33	6	2	6	100	6	0	0	29	93	27	7	2
1975:															
Stafford	39	97	38	3	1	7	100	7	0	0	32	97	31	3	1
Brown	39	90	35	10	4	7	100	7	0	0	32	88	28	12	4
Clapp	39	95	37	5	2	7	86	6	14	1	32	97	31	3	1
Corber [4]	30	90	27	10	3						1				2
Gresham	39	100	39	0	0	7	100	7	0	0	32	100	32	0	0
Hardin	39	92	36	8	3	7	86	6	14	1	32	94	30	6	2
MacFarland	39	92	36	8	3	7	100	7	0	0	32	91	29	9	3
Murphy	39	92	36	8	3	7	71	5	29	2	32	97	31	3	1
O'Neal	39	90	35	10	4	7	86	6	14	1	32	91	29	9	3

[1] Appointed Apr. 12, 1973. A total of 29 meetings were held from time of appointment. Out of that number, Commissioner O'Neal was absent from 9 special meetings and attended all regular meetings.

[2] Appointed Mar. 14, 1974. A total of 29 meetings were held from time of appointment. Out of that number, Commissioner Clapp was absent from 1 regular and 3 special meetings.

[3] Was necessarily absent from Commission due to major surgery.

[4] Appointed Mar. 13, 1975. A total of 30 meetings were held from time of appointment. Out of that number, Commissioner Corber was absent from 1 regular and 2 special meetings.

SUMMARY OF GROUPS VISITED AND ADDRESSED BY COMMISSIONERS OF ICC

Commissioner and category of group	Visits and speeches	
	Percent	Number
Stafford (Chairman):		
Carriers or carrier groups	36	37
Shippers/consumers	13	13
Other industrial groups	8	8
Educational institutions	4	4
Federal agencies or regional offices	1	1
Hearings out of town	0	0
Professional societies	16	16
State, local, or regional officials or organizations	7	7
Other [1]	16	17
Total	100	103
Brown:		
Carriers or carrier groups	33	6
Shippers/consumers	17	3
Other industrial groups	5	1
Educational institutions	0	0
Federal agencies or regional offices	0	0
Hearings out of town	17	3
Professional societies	5	1
State, local, or regional officials or organizations	5	1
Other [1]	17	3
Total	99	18
Clapp:		
Carriers or carrier groups	27	4
Shippers/consumers	13	2
Other industrial groups	0	0
Educational institutions	0	0
Federal agencies or regional offices	20	3
Hearings out of town	27	4
Professional societies	7	1
State, local, or regional officials or organizations	0	0
Other [1]	7	1
Total	100	15
Corber:		
Carriers or carrier groups	35	6
Shippers/consumers	18	3
Other industrial groups	0	0
Educational institutions	6	1
Federal agencies or regional offices	0	0
Hearings out of town	0	0
Professional societies	29	5
State, local, or regional officials or organizations	0	0
Other [1]	12	2
Total	100	17
Gresham:		
Carriers or carrier groups	42	15
Shippers/consumers	11	4
Other industrial groups	3	1
Educational institutions	0	0
Federal agencies or regional offices	3	1
Hearings out of town	0	0
Professional societies	22	8
State, local, or regional officials or organizations	0	0
Other [1]	19	7
Total	100	36
Hardin:		
Carriers or carrier groups	31	16
Shippers/consumers	4	2
Other industrial groups	7	4
Educational institutions	6	3
Federal agencies or regional offices	0	0
Hearings out of town	2	1
Professional societies	13	7
State, local, or regional officials or organizations	6	3
Other [1]	31	16
Total	100	52

Footnote at end of table.

SUMMARY OF GROUPS VISITED AND ADDRESSED BY COMMISSIONERS OF ICC—Continued

Commissioner and category of group	Visits and speeches	
	Percent	Number
MacFarland:		
Carriers or carrier groups	17	4
Shippers/consumers	13	3
Other industrial groups	4	1
Educational institutions	8	2
Federal agencies or regional offices	8	2
Hearings out of town	0	0
Professional societies	21	5
State, local, or gegional officials or organizations	0	0
Other [1]	29	7
Total	100	24
Murphy:		
Carriers or carrier groups	30	19
Shippers/consumers	33	21
Other industrial groups	5	3
Educational institutions	5	3
Federal agencies or regional offices	3	2
Hearings out of town	2	1
Professional societies	5	3
State, local, or regional officials or organizations	17	11
Other [1]	2	1
Total	102	64
O'Neal:		
Carriers or carrier groups	18	12
Shippers/consumers	22	15
Other industrial groups	3	2
Educational institutions	5	3
Federal agencies or regional offices	12	8
Hearings out of town	0	0
Professional societies	16	11
State, local, or regional officials or organizations	8	5
Other [1]	16	11
Total	100	67

[1] Includes civic organizations, clubs, international visits.

National Transportation Safety Board

NTSB—SUMMARY OF BOARD MEMBERS' TRAVEL (1971–75)

	Haley		McAdams		Reed		Thayer	
	Amount	Days	Amount	Days	Amount	Days	Amount	Days
Year:								
1971			$1,875	17	$2,765	21	$2,537	20.0
1972	$2,515	28.75	1,891	14.75	3,126	35	1,109	14.0
1973	1,109	21.5	713	7.5	3,512	21	1,664	17.0
1974	3,559	47	3,534	21.5	2,646	23	964	16.0
1975	317	2.5	1,511	8	2,736	15	431	6.0
Total	7,500	99.75	9,524	68.75	14,785	115	6,705	73.0
Average per year	1,500	20	1,905	13.75	2,957	23	1,341	14.6

ATTENDANCE AND ABSENCE OF MEMBERS OF NTSB AT BOARD MEETINGS, 1971–75

[In percent]

Member	Term commenced	1971–75 average		
		Attended	Absent	Proxy used as a percent of number absent
Haley	June 8, 1972	86	14	16
McAdams	May 2, 1967	90	10	0
Reed	do	91	9	5
Thayer [1]	do	80	20	11

[1] Reported that 46 percent of his absences were due to hospitalization and convalescence.

YEAR-BY-YEAR SUMMARY

Year and member's name	Total number of meetings	Attended		Absent		Proxy used	
		Percent	Number	Percent	Number	Percent of number absent	Number
1971:							
McAdams	50	90	45	10	5	0	0
Reed	50	86	43	14	7	0	0
Thayer	50	88	44	12	6	0	0
1972:							
Haley	33	82	27	18	6	0	0
McAdams	62	94	58	6	4	0	0
Reed	62	92	57	8	5	0	0
Thayer	62	65	40	35	22	0	0
1973:							
Haley	95	89	85	11	10	40	4
McAdams	95	88	84	12	11	0	0
Reed	95	85	81	15	14	0	0
Thayer	95	84	80	16	15	7	1
1974:							
Haley	108	81	87	19	21	10	2
McAdams	108	85	92	15	16	0	0
Reed	108	94	102	6	6	0	0
Thayer	108	78	84	22	24	25	6
1975:							
Haley	86	91	78	9	8	13	1
McAdams	86	94	81	6	5	0	0
Reed	86	93	80	7	6	33	2
Thayer	86	85	73	15	13	15	2

SUMMARY OF GROUPS VISITED AND ADDRESSED BY MEMBERS OF NTSB (1971–1975)

Member and category of group	Visits and speeches	
	Percent	Number
Haley:		
Accident inspection or hearing out-of-town	34	11
Consultation with foreign officials	9	3
Educational institutions	3	1
Federal agencies or regional offices	22	7
Inaugural flights or ceremonial visits	6	2
Industrial groups	13	4
Media	0	0
Professional societies	0	0
Safety groups	3	1
State, local or regional officials or organizations	9	3
Other [1]	0	0
Total	99	32
McAdams:		
Accident inspection or hearing out-of-town	72	18
Consultation with foreign officials	0	0
Educational institutions	0	0
Federal agencies or regional offices	8	2
Inaugural flights or ceremonial visits	0	0
Industrial groups	16	4
Media	0	0
Professional societies	0	0
Safety groups	0	0
State, local or regional officials or organizations	0	0
Other [1]	4	1
Total	100	25
Reed:		
Accident inspection or hearing out-of-town	13	10
Consultation with foreign officials	1	1
Educational institutions	0	0
Federal agencies or regional offices	9	7
Inaugural flights or ceremonial visits	3	2
Industrial groups	47	36
Media	1	1
Professional societies	1	1
Safety groups	12	9
State, local or regional officials or organizations	4	3
Other [1]	9	7
Total	100	77
Thayer:		
Accident inspection or hearing out-of-town	50	15
Consultation with forign officials	0	0
Educational institutions	10	3
Federal agencies or regional offices	27	8
Inaugural flights or ceremonial visits	0	0
Industrial groups	10	3
Media	0	0
Professional societies	0	0
Safety groups	3	1
State, local or regional officials or organizations	0	0
Other [1]	0	0
Total	100	30

[1] Includes civic organization, clubs.

SUMMARY OF TRAVEL BY ADMINISTRATORS OF EPA, FAA, FDA, FRA, AND NHTSA (1971–75) [1]

Year	Train		McLucas [2]		Schmidt		Hall		Gregory	
	Amount	Days	Amount	Days	Amount	Days	Amount	Days	Amount	Days
1971										
1972										
1973	$3,532	38			[3] $1,295	18			$1,756	16
1974	9,882	70			[3] 8,034	57	$1,015	8	6,119	59
1975	5,871	63	0	1	[3] 3,995	32	6,778	44	7,881	56.5
Total	19,285	171	0	2	13,324	107	7,793	52	15,756	131.5
Average per year	6,428	57	0	1	4,441	36	3,897	26	5,252	43.8

[1] Only two summaries are presented for the five heads of independent executive agencies. Due to the organizational structures of these agencies, it was impossible for these officials to determine the total number of regular and special meetings of their respective agencies.
[2] Not representative; term commenced Nov. 24, 1975.
[3] These amounts indicate travel expenditures paid by the Federal Government for 1973, 1974, and 1975. Schmidt also reported that $166, $938, and $622, respectively, were paid by other organizations or persons.

SUMMARY OF GROUPS VISITED AND ADDRESSED BY ADMINISTRATORS OF EPA, FAA, FDA, FRA, AND NHTSA

Agency and category of group	Visits and speeches	
	Percent	Number
EPA (Train):		
Consumer, environmental, or safety groups	14	20
Educational institutions	3	5
Federal agencies or regional offices	12	17
Hearings	17	25
Industrial groups	12	18
Media	5	7
Professional societies	2	3
State, local, or regional officials or organizations	14	21
Other [1]	22	32
Total	101	148
FAA (McLucas): [2]		
Federal agencies or regional offices	50	1
Other [1]	50	1
Total	100	2
EDA (Schmidt):		
Consumer, environmental, or safety groups	3	2
Educational institutions	17	11
Federal agencies or regional offices	14	9
Industrial groups	29	19
Media	2	1
Professional societies	27	18
Other [1]	9	6
Total	101	66
FRA (Hall):		
Educational institutions	5	2
Federal agencies or regional offices	12	5
Industrial groups	22	9
Professional societies	12	5
State, local, or regional officials or organizations	12	5
Other [1]	37	15
Total	100	41
NHTSA (Gregory):		
Consumer environmental or safety groups	24	17
Federal agencies or regional offices	20	14
Industrial groups	19	13
Professional societies	9	6
State, local, or regional officials or organizations	19	13
Other [1]	10	7
Total	101	70

[1] Includes civic organizations, clubs.
[2] Not representative; term commenced Nov. 24, 1975.

APPENDIX C.—GAO REPORT IN FULL

REPORT OF THE COMPTROLLER GENERAL OF THE UNITED STATES

Analysis Of Travel Activities Of Certain Regulatory Agency Commissioners During 1971-75

In a review of travel practices and policies of regulatory agency commissioners, GAO found that they generally conformed to applicable laws and regulations.

In some cases commissioners attended or spoke at functions where private organizations paid part or all of the travel costs. As a general rule, unless the regulatory agency has legislative authority to accept gifts, the acceptance by the commissioners of official travel expenses paid by these private organizations were improper augmentations to agencies' appropriations.

CED-76-155

COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. 20548

B-180224

The Honorable Warren G. Magnuson
Chairman, Committee on Commerce
United States Senate

Dear Mr. Chairman:

Pursuant to your request of June 17, 1976, we examined the questions (see app. 1) and supporting documents provided us concerning travel by certain commissioners of regulatory agencies for calendar years 1971 through 1975. Our response to the questions is summarized below and presented in more detail in the appendixes.

As requested by your office, except for the questions submitted to Commissioner Day, no other individual or agency named in this report were given a copy of or made aware of the precise questions raised by the Committee. Further, none was given the opportunity to read or comment on the data contained in this report, although such individuals or agencies may be adversely affected by public disclosure of this report. Since the Committee intends to request comments prior to any public disclosure we have not followed our usual policy of obtaining advance comments in this case.

PROPRIETY OF FREQUENT TRAVEL BY COMMISSIONERS TO THEIR HOME STATES TO ATTEND VARIOUS FUNCTIONS

The Committee was concerned that commissioners can approve their own travel. Appendix II provides our detailed comments on this subject. Authority to approve travel has in effect been delegated to commissioners by the heads of their agencies. Therefore, commissioners may appropriately be reimbursed for travel they approve as incidental to official business, however frequent and to whatever location the travel may be. What constitutes official travel is a question of fact for determination by their agencies.

Congress' intent to minimize travel is expressed in its January 1976 1/ request for the President, through the

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1/Section 205 of the Supplemental Appropriations Act, 89 Stat. 826, 843.

Director of the Office of Management and Budget, to take steps to conserve the use of energy and to restrain the inflationary impact of Federal travel expenditures by reducing such expenditures.

The Office of Management and Budget's Bulletin No. 76-79, dated December 4, 1975, as revised by Supplement No. 1 dated January 26, 1976, provides general policy guidance for Federal agencies on the control and management of official travel. It states that the policy is to "authorize that amount of travel necessary to accomplish the purposes of the Government effectively--but not one bit more--and at minimum cost." The Bulletin requires agencies to:

> "Establish procedures that will eliminate attendance and minimize participation by employees at conferences, meetings, and seminars when attendance is contingent upon travel at Government expense and not directly related to the accomplishment of the agency missions.* * * "

Questions to Commissioner Day, Federal Maritime Commission

Generally, the Committee was concerned with (1) Commissioner James V. Day's travel, at the Government's expense, to attend functions in his home State at the Maine Maritime Academy and (2) a charter flight taken by the Commissioner from New York to Maine, while on official business, which was paid for by a private company.

On July 19, 1976, we asked Commissioner Day to respond formally to questions raised by the Committee. These questions, his responses of July 30, 1976, and August 5, 1976, and our detailed comments are in appendix III.

Because the Commissioner's trips to the Maine Maritime Academy are generally within the scope of his function as a Federal Maritime Commissioner, we found no legal basis for questioning the propriety of the travel. We did learn that

as an alternative Commissioner Day could have been directly reimbursed for the travel by the Academy since it is a tax-exempt organization. Nevertheless, whether or not specific trips to attend Academy functions constitute official travel is a question of fact for determination by the Maritime Commission.

Commissioner Day told us the charter flight was part of a trip to attend the launching of the containership "Export Freedom," and the charter flight costs were paid by either the shipbuilder or the shipping line.

We find nothing wrong in Maritime Commissioners attending such functions as allowed in their regulations. The Commission, however, does not have legislative authority to accept gifts. Therefore, accepting transportation to attend such functions, if not charged against the Commission's appropriations, is an improper augmentation to the Commission's funds. In a previous legal decision,1/ we held that expenses incurred incidental to official travel are chargeable to the agency's appropriations. In Commissioner Day's case, he was on official travel and the Government incurred the costs to New York and back; therefore, an appropriate part of the cost of the charter flight from New York to Maine and return should also have been charged to the Maritime Commission's appropriation.

PROPRIETY OF OFFICIAL TRAVEL FOR COMMISSIONERS TO ATTEND MEETINGS IN WASHINGTON, D.C., FROM OUT OF TOWN ON VACATION

The Committee's concern centered around a commissioner who, while on vacations out of town, traveled back to Washington, D.C., to attend official meetings. Official travel at Government expense was incurred for the trip to Washington, D.C., and then back to resume the vacation. Our detailed comments on this are in appendix IV.

1/B-128527, March 7, 1967 (46 Comp. Gen. 689 (1967)).

B-180224

The propriety of this travel was established by our legal decision 1/ that states:

> Where an employee's annual leave is interrupted for temporary duty (i.e. official business) at his official duty station he may be reimbursed for his expenses for authorized travel from his place of leave to that station and return.

TRAVEL INSTANCES WHERE ALL OR PART OF COMMISSIONERS' TRAVEL COSTS WERE PAID BY PRIVATE ORGANIZATIONS

The Committee was concerned that a conflict of interest may have existed when part or all of the commissioners' travel expenses were paid by the sponsor of the function. We have no authority to issue formal opinions on conflict of interest questions concerning officers and employees of other agencies.2/ We did analyze the travel aspects and our detailed comments are included in appendix V.

In one case the Government paid the travel costs connected with an official trip and the sponsoring organization paid the hotel expenses. As discussed earlier, such reimbursement for any expenses incidental to official travel (either in cash or in kind) constitutes an improper augmentation of the agency's appropriation.

In a second case all expenses were paid by the sponsoring organization but it is not clear whether the commissioner attended the activities in her official capacity or during a leave of absence. If attended during a leave of absence no question on augmentation exists.

1/B-177106, December 26, 1972.

2/The basic provisions governing such questions are criminal statutes enforced by the Department of Justice, other statutes administered by individual agencies, and other statutory standards and requirements subject to implementation by other agencies concerned.

B-180224

Commissioners of regulatory agencies, being Presidential appointees by and with the advice and consent of the Senate, are exempt from the provisions of the Annual and Sick Leave Act (5 U.S.C. 2061 (1)). Generally speaking, commissioners do not take annual leave within the ordinary meaning of the term in the Government. Rather they are generally considered to be on duty at all times, including periods of vacation, but at the same time having freedom to absent themselves from duty as they see fit. Therefore, reimbursements for these trips, if made during a leave of absence, would not augment the agency's appropriation.

In a third case the Government paid the travel costs and the sponsoring organization provided lodging. Therefore, the trips were official business. Unlike the first case mentioned, however, the costs of the lodging were not improper augmentations to the agency's appropriations because the agency, the Consumer Product Safety Commission, has the authority to accept gifts from private sources. In such a case accomodations furnished in kind are treated the same as a gift and may properly be accepted.

ANALYSIS OF TRAVEL ASPECTS OF THE CONSUMER PRODUCT SAFETY COMMISSION'S CONFLICT OF INTEREST REGULATION

Our analysis of the travel aspects of the Consumer Product Safety Commission's conflict of interest regulation (see app. VI) shows it is in accordance with the governing executive order and Civil Service Commission regulations.

SHOULD COMMISSIONERS PAY PART OF THEIR TRAVEL COSTS WHEN PERSONAL AS WELL AS OFFICIAL BUSINESS IS INVOLVED?

As noted in appendix I, a commissioner of the Federal Communications Commission did not charge the Government the full costs connected with several official trips because the commissioner considered certain aspects of the trips to be of a personal nature. The Committee wanted to know if this should be a standard practice to be followed by all commissioners.

The governing General Services Administration regulation allows the Government to pay the total transportation costs for official business whether or not the traveler uses part of the trip for other reasons. In the case noted, the commissioner chose to pay part of the transportation expenses even though he was entitled to full reimbursement.

To make such a procedure standard practice could require legislative revisions as well as regulation changes. Questions of what is considered personal business, how business conducted after working hours should be treated, and what travel costs would be charged as official versus personal, etc., would present administrative complications to be resolved. We did not evaluate the merits of such a revision to current practices but would be willing to work with the Committee if such a proposed change in legislation is desired.

CONCLUSIONS

The commissioners' travels we examined generally conformed to applicable laws and regulations. However, acceptance of travel or accomodations from private sources by commissioners whose agencies do not have legislative authority to accept such gifts were improper augmentations to the agencies' appropriations.

Improper augmentation of appropriations can be administratively circumvented merely by the commissioner stating he is on a leave of absence. In these cases, if the private organization provides all the costs connected with the travel, no augmentation results. Because commissioners do not come under applicable Government leave laws which would limit their amount of leave, their determination that they are on a leave of absence during such travel would impose no hardships on any future leave they might have planned.

Since commissioners have been delegated authority, by their respective agency heads to approve their own travel,

the heads of the agencies are responsible for being sure that such travel is in accordance with congressional intent and Office of Management and Budget guidance on minimizing travel.

Sincerely yours,

Comptroller General
of the United States

C O N T E N T S

APPENDIX		Page
I	Senate Committee on Commerce questions on travel practices and policies of certain regulatory agency commissioners during 1971-75	1
II	Propriety of frequent travel by commissioners to their home states to attend various functions	7
III	Questions to Commissioner Day, Federal Maritime Commission	11
IV	Propriety of official travel for commissioners to attend meetings in Washington, D.C., from out of town on vacation	22
V	Travel instances where all or part of commissioners' travel costs were paid by private organizations	23
VI	Analysis of travel aspects of the Consumer Product Safety Commission's conflict of interest regulation	29

SENATE COMMITTEE ON COMMERCE QUESTIONS

ON TRAVEL PRACTICES AND POLICIES OF CERTAIN

REGULATORY AGENCY COMMISSIONERS DURING 1971-75

QUESTION CONCERNING A COMMISSIONER
WHO DID NOT CHARGE THE GOVERNMENT THE
FULL COSTS OF HIS OFFICIAL TRAVEL

1. Commissioner Benjamin L. Hooks, of the Federal Communications Commission, in several cases did not charge the Government the full travel costs because of what the Commissioner considered the personal aspects of the trips. Should this be standard practice for all commissioners?

QUESTIONS CONCERNING TRAVEL TO
COMMISSIONERS' HOME STATES
(DETAILS IN APP. II)

Commissioner James H. Quello,
Federal Communications Commission

1. Although shown as official travel, was it appropriate for 11 of the Commissioner's 28 trips, about 39 percent, to be to the Commissioner's home State?

Commissioner Charlotte T. Reid,
Federal Communications Commission

2. Although shown as official travel, was it appropriate for 23 of the Commissioner's 53 trips, about 43 percent, to be to the Commissioner's home State?

Commissioner Charles L. Clapp,
Interstate Commerce Commission

3. Although shown as official travel, was it appropriate for 6 of the Commissioner's 15 trips, or 40 percent, to be to the Commissioner's home State?

Commissioner James V. Day,
Federal Maritime Commission
(Details in app. III)

1. What was the basis for the Commissioner designating about 15 trips to the Maine Maritime Academy as official travel?

2. Since members of the Board of Visitors of the Maine Maritime Academy are permitted to bill the Academy for travel expenses, why was it decided to have the Government pay for the above trips rather than the Academy?

3. The Commissioner's travel on January 15, 1972, indicates a round trip charter flight trip between New York and Maine. Who paid for this trip; if payer was other than the Government , what was the justification for accepting such payment?

4. Listed below are several items not readily reconcilable between what the Commissioner reported to the Committee and what was shown on the Commissioner's travel vouchers. Why was this?

Date of trip	Item
April 30 to May 4, 1971	Report to Committee shows no per diem or other expenses but voucher shows $77.95.
June 4-8, 1971	Report shows $106.25 per diem but voucher shows $118.75.
June 1-7, 1972	Report shows $145.70 per diem and $38.77 for other expenses; but voucher shows $221.95 and $57.22 respectively.
Sept. 9-12, 1973 Feb. 28 to Mar. 2, 1974 Apr. 26-28, 1974 Aug. 2-4, 1974 Nov. 14-16, 1974 May 23-24, 1975 Oct. 23-25, 1975	Report did not show rental car costs which were included on the vouchers.

QUESTION CONCERNING A COMMISSIONER RETURNING TO WASHINGTON, D.C., WHILE ON VACATION, TO ATTEND COMMISSION MEETINGS (DETAILS IN APP. IV)

1. Was it appropriate for Commissioner Ashton C Barrett of the Federal Maritime Commission, while on vacation out of town, to charge the Government for the travel costs to return to Washington, D.C., to attend Commission meetings and then to resume his vacation?

TRAVEL INSTANCES WHERE ALL OR PART OF COMMISSIONERS' TRAVEL COSTS WERE PAID BY PRIVATE ORGANIZATIONS (DETAILS IN APP. V)

Commissioner Paul R. Dixon, Federal Trade Commission

1. 10/5/72 to 10/9/72: Travel to Bermuda to speak at meeting of the National Association of Chain Drug Stores.

Paid by U.S. Government:	transportation	$173.00
	other	19.00
		$192.00

   Hotel was "provided other than by government" for an unknown value.

2. 11/11/74 to 11/14/74: Travel to San Francisco, California to speak at the National Frozen Food Convention.

Paid by U.S. Government:	transportation	$414.00
	other	13.00
		$427.00

   Hotel was "provided other than by governnment" for a value of $120.00.

3. 10/22/73 to 10/29/73: Travel to Oklahoma City, Oklahoma to speak at Oklahoma Retail Grocers Association.

Paid by U.S. Government:	transportation	$229.27
	other	23.50
		$252.77

   Hotel was "provided other than by government" for an unknown value.

4. 11/29/73 to 11/30/73: Travel to New York to speak at American Apparel Manufacturers Association.

   Paid by U.S. Government: transportation $69.27
   other 25.50
   $94.77

   Hotel was "provided other than by government" for an unknown value.

5. 5/20/75 to 5/22/75: Travel to Ft. Lauderdale, Florida, to speak at National Retail Merchants Association.

   Paid by U.S. Government: transportation $236.73
   other 13.00
   $249.73

   Hotel was "provided other than by government" for a value of $52.00.

Commissioner Charlotte T. Reid
Federal Communications Commission

1. 6/28/72 to 6/29/72: Travel to Williamsburg, Virginia to attend meeting of Maryland/D.C./Delaware Association of Broadcasters.

   Transportation provided by member of Association (Commissioner drove with the member). Value: $30.00

2. 10/4/73 to 10/5/73: Travel to Columbus, Ohio to speak "for Congressman Ralph Regula."

   Nothing was charged to the U.S. Government; transportation and lodging were "provided other than by the government" for a value of $88.00. Was she on official business or annual leave?

3. 10/21/73 to 10/22/73: Travel to Aurora and Barrington, Illinois to speak for the Republican Women's Club of Aurora.

   Transportation "provided other than by government" for a value of $141.00. Was she on official business or annual leave?

4. 12/6/73 to 12/7/73: Travel to Boca Raton, Florida to speak for the National Home Study Institute.

   Transportation "provided other than by government" for a value of $150.00.

5. 1/3/74 to 1/8/74: Travel to Arizona to speak for the Distilled Spirits Council of U.S., Inc.

   Transportation "provided other than by government" for a value of $440.73.

6. 2/2/74 to 2/3/74: Travel to Milwaukee, Wisconsin to speak for the American Association of University Women.

   Transportation "provided other than by government" for a value of $203.47.

Commissioner Richard Simpson,
Consumer Product Safety Commission

1. 11/11/74 to 11/12/74: Speaking engagement in Milwaukee, Wisconsin, at a seminar sponsored by Wisconsin manufacturers Association.

Paid by U.S. Government:	transportation	$120.74
	per diem	13.75
		$134.49

   Lodgings were "provided other than by government" for an unknown value.

2. 6/17/75 to 6/18/75: Visited the safety facilities at RCA in Indianapolis.

Paid by U.S. Government:	transportation	$156.73
	per diem	17.50
		$174.23

   Lodgings were "provided other than by government" for an unknown value.

3. 9/26/75 to 10/3/75: Participated in seminar in Tokyo, Japan, sponsored by SANKEI SHIMBUN News Media on Consumer Protection.

   Paid by U.S. Government: transportation $2,119.54.

   No per diem or other expenses were claimed. Items "provided other than by government": trains from Tokyo to Kyoto, Osaka, and meals and lodgings (value unknown).

ANALYSIS OF CONFLICT OF INTEREST REGULATION (DETAILS IN APP. VI)

1. The Committee wanted GAO to analyze the travel aspects of the Consumer Product Safety Commission's conflict of interest regulation.

PROPRIETY OF FREQUENT TRAVEL

BY COMMISSIONERS TO THEIR HOME

STATES TO ATTEND VARIOUS FUNCTIONS

QUESTION

May commissioners properly charge the Government for the expenses of frequent travel between Washington, D.C. and their home State to attend various functions in their official capacity considering that they approve their own travel authorizations?

GAO's COMMENT

Reimbursement of an officer or employee's travel expenses is generally authorized under Chapter 1 of Federal Travel Regulations (FPMR 101-7) as follows:1/

"1-1.3. General rules.

* * * * *

"b. Reimbursable expenses. Traveling expenses which will be reimbursed are confined to those expenses essential to the transacting of the official business."

* * * * *

"1-1.4. Authority for travel. Except as otherwise provided by law, all travel shall be either authorized or approved by the head of the agency or by an official to whom such authority has been delegated. Ordinarily, an

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1/ Nearly all of the commissions covered by this report have specific statutory authority for the payment of travel expenses of officers and employees which are substantially identical to the provisions of the Federal Travel Regulations. (See pps. 9 & 10).

> authorization shall be issued prior to the incurrence of the expenses. The authorization shall be as specific as possible in the circumstances as to the travel to be performed." (Underscore added.)

On the basis of the foregoing provisions officers and employees may properly be reimbursed for their traveling expenses if the travel was authorized or approved by a competent authority and was in fact incident to official business, however frequent and to whatever location the travel may be. Further, the chairman of each commission is a "head of an agency" within the meaning of the cited provisions, and it appears the chairmen have in effect delegated their authority to their fellow commissioners to authorize or approve their own travel by virtue of a long continued practice without legal objection. While we can understand the Committee's concern for this situation, we are not in the position to raise a legal objection without a specific factual setting clearly showing an abuse of a authority (e.g., a trip for purely personal reasons).

The Office of Management and Budget (OMB), however, has announced a policy of restraining travel which is not absolutely essential. Its Bulletin No. 76-9 dated December 4, 1975, revised by Supplement No. 1 dated January 26, 1976, contains instructions to executive agencies and departments on the control and management of official travel:

> "2. Policy. It is Administration policy that agencies should authorize that amount of travel necessary to accomplish the purposes of the Government effectively -- but not one bit more -- and at minimum cost. This policy is applicable to travel of contractors and other personnel whose travel expenses are directly reflected in costs paid by the Government.
>
> "The head of each agency will communicate this policy promptly throughout all operating and staff units of his agency, and place in effect a stringent and austere plan to eliminate travel not absolutely essential and to minimize travel costs.

"3. Guidelines. The agency plan to restrict travel will include, but not be limited to, the following guidelines:"

* * * * *

"e. Screen all specific travel authorizations to limit trips, numbers of individuals traveling, points to be visited, itineraries, and durations to those that are essential to the performance of agency missions.

"f. Establish procedures that will eliminate attendance and minimize participation by employees at conferences, meetings, and seminars when attendance is contingent upon travel at Government expense and not directly related to the accomplishment of the agency missions. (Official travel performed at non-government expense will be accomplished in accordance with agency conflict of interest regulations.)" (Underscore added.)

Also the Congress passed a resolution in January 1976 expressing the sense of the Congress that the President, through the Director of the Office of Management and Budget, take steps to conserve the use of energy and to restrain the inflationary impact of Federal travel expenditures by reducing such expenditures. (§205 of the Supplemental Appropriations Act, 89 Stat. 826, 843).

Statutory authorizations for reimbursement of travel expenses

Interstate Commerce Commission: (48 U.S.C. 18(2))

"(2) All of the expenses of the commission, including all necessary expenses for transportation incurred by the commissioners, or by their employees under their orders, in making any investigations, or upon official business in any other places than in the city of Washington, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the chairman of the commission."

Federal Communications Commission: (47 U.S.C. 154(g))

" * * * All expenditures of the Commission, including all necessary expenses for transportation incurred by the commissioners or by their employees, under their orders, in making any investigation or upon any official business in any other places than in the city of Washington, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the chairman of the Commission or by such other member or officer thereof as may be designated by the Commission for that purpose."

Federal Trade Commission: (15 U.S.C. 42)

* * * * *

"All of the expenses of the Commission, including all necessary expenses for transportation incurred by the Commissioners or by their employees under their orders, in making any investigation, or upon official business in any other places than in the city of Washington, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the Commission."

* * * * *

6. Federal Maritime Commission: (46 U.S.C. 1111(f))

"(f) Each member, any employee of the Federal Maritime Commission or the Secretary of Commerce, and any person detailed to the Commission or Secretary from any other agency of the Government shall receive necessary traveling and subsistence expenses, or per diem allowance in lieu thereof, within the limitations prescribed by law, while away from his official station upon official business of the Commission or Secretary. * * * Expenditures by the Commission or Secretary shall be allowed and paid on the presentation of itemized vouchers therefor approved by the Commission or Secretary or a designated employee thereof."

QUESTIONS TO COMMISSIONER DAY,

FEDERAL MARITIME COMMISSION

We submitted the following questions to Commissioner James V. Day on July 19, 1976. His response was received on July 30, 1976 with a supplemental note on August 5, 1976.

QUESTION 1

While serving on the Maine Maritime Academy's Board of Visitors, you made about 15 trips to Maine to meet with the Board. Since the Maine Maritime Academy is not within the regulatory jurisdiction of the Federal Maritime Commission, what was the basis for your designating these as official Government trips?

Commissioner Day's response

"The Commission regulates the services, practices and agreements of common carriers by water in the foreign and domestic off-shore commerce of the United States.

"The Maritime Academy is an accredited institution maintained by the State of Maine with the aid of the federal government. The mission of the Academy is to instruct U.S. Maritime Service cadets thereby providing trained maritime officers and potential leaders for maritime carrier companies. The curriculum includes focusing upon the overall problems of the marine transportation industry (including governmental relations and regulation). In addition, a number of representatives from the maritime industry are visiting lecturers on trends, developments, and problems of the industry, and/or serve on the Academy's Boards rendering advice on such maritime matters.

"In my official capacity as a Federal Maritime Commissioner I have continuing contacts with, and overall knowledge of, the maritime industry. It has always been my sincere purpose to enhance our merchant marine by advising, and maintaining a dialogue with, the Academy on government's role relative to the government-regulated maritime industry. In addition, such dialogue with the Academy was viewed by our Commission General Counsel James Pimper as consistent

78-925 O - 76 - 5

with the Commission's mission. I would additionally note the Commission's regulation encouraging engagement in teaching and the affairs of educational organizations. (Please note Title 46, Part 500, §500.735.12(c) and (d)(2)). By analogy, the Commission does not regulate other educational institutions yet it has been long thought in the public interest for Commissioners to travel, meet with, and address these and similar groups with an interest in maritime matters."

GAO's comment

We have no legal objection to Commissioner Day designating his trips to the Maine Maritime Academy as official business. The primary criterion for determining whether an officer or employee (in this case a member of a regulatory commission) is engaged in official business is the nature of the activity concerned. Whether a particular activity constitutes official business is a question of fact primarily for determination by the agency. Accordingly, if the activity is reasonably related to the functions of an individual's office we will not question, on legal grounds, an agency's determination that the activity amounts to official business. The fact the private organization involved is not within the agency's regulatory jurisdiction does not compel a determination that the questioned activity was unrelated to the individual's functions.

In view of the similar interests of the Federal Maritime Commission and the Maine Maritime Academy and the reasons stated by Commissioner Day for traveling to the Academy, we will not question his determination, evidently supported by the Commission's General Counsel, that the trips constituted official business.

QUESTION 2

Since members of the Board are permitted to bill the Academy for their travel expenses, why was it decided to have the Government pay for your trips rather than the Academy?

Commissioner Day's response

"Until just recently I did not know that the State of Maine Maritime Academy could pay for such expenses and, further there appeared no question that such expenses were a legitimate and worthy federal expenditure."

GAO's comment

We do not legally object to the Government paying Commissioner Day's traveling expenses on the basis that the expenses were incurred for official business reasons, to attend meetings of the Maine Maritime Academy's Board of Visitors. The Commissioner could have requested reimbursement from the Academy under the authority of 5 U.S.C. 4111:

> "(a) To the extent authorized by regulations of the President, contributions and awards incident to training in non-Government facilities, and payment of travel, subsistence, and other expenses incident to attendance at meetings, may be made to and accepted by an employee, without regard to section 209 of title 18, if the contributions, awards, and payments are made by an organization determined by the Secretary of the Treasury to be an organization described by section 501(c)(3) of title 26 which is exempt from taxation under section 501(a) of title 26. (Underscore added.)1/

We interpreted the above provision as authorizing Federal employees (including commissioners) to accept direct reimbursement by tax-exempt organizations for traveling expenses incident to attendance at meetings. See 49 Comp. Gen. 572 (1970); B-171751, February 11, 1971; B-128527, April 20, 1976.

1/ The Internal Revenue Service has informally told us that the Maine Maritime Academy is a tax-exempt organization within the meaning of 26 U.S.C. 501(c)(3).

QUESTION 3

Your travel on January 15, 1972 (travel authorization No. 05-3), indicates that you flew round trip between New York and Maine on a chartered flight. The Committee would like to know who paid for this flight; if payer was other than the Government, what the justification was for accepting such payment?

Commissioner Day's response

"The subject trip was at the invitation of the Bath Iron Works Corporation (the shipbuilder) to attend the launching of the containership 'Export Freedom' built for American Export Isbrandtsen Lines, Inc. I was a program speaker at the occasion.

"The file contains no record and I have no personal recollection of what entity paid for the charter flight. I assume the flight was paid for by the Bath Iron Works Corporation or American Export Isbrandtsen Lines, Inc.

"Attendance at ship launchings is a traditional part of the Commission's ceremonial activities, and in fact, is expressly contemplated under the Commission's regulations. Whenever a ship is launched, it is customary for the shipbuilder or the shipping line to sponsor a launching ceremony and in that connection to invite high level representatives of the government and industry to that ceremony. Frequently, I believe an aircraft is chartered to transport these dignitaries to and from the launching site. Accordingly, a chartered flight is booked for the invitees as a group rather than for the convenience of any particular individual within that group. Thus, the decision to provide the chartered flight which is the object of your inquiry, was in no way made on the basis of my acceptance to participate in the ship launching ceremony of the Bath Iron Works. In fact, this flight originated in New York City rather than Wash. D.C.; presumably because the majority of the invitees were located in that city. Space on such flights has been made available to Commissioners participating in ship launching ceremonies during the many years of my tenure at the Federal Maritime Commission and acceptance

of such accommodation has consistently been viewed as being in the same nature as acceptance of accommodations and meals during attendance at such ceremonies. In short, I have never viewed acceptance of a ride on an aircraft chartered to transport guests to a launching ceremony as a reimbursement or donation to the United States or to myself personally. Moreover, I recall question was raised in the early 1960s and that the Commission fully concurred that there was no impediment to the acceptance of such transportation by Commissioners. You will note that the Commission's regulations expressly contemplate participation in ship launchings and acceptance of accommodations and travel expenses in connection therewith. (Please note Title 46, Part 500, §500.755-11(b) (5) and (e))."

Commissioner Day's response was supplemented by a memorandum dated August 5, 1976, as follows:

"A. Pertinent regulation:

'(5) Under this section, Commission employees may participate in keel layings, christenings, and ship launchings and accept meals, accomodations, and entertainment related thereto when the invitation to such an event is addressed to the Commission and the Chairman of the Commission approves the acceptance of the invitation. 'Title 46, Part 500, §500.735-11(b)(5) - the controlling subsection.

"B. This regulation section (§500.735-11(b)(5)) authorizes acceptance of accomodations (e.g., flight accomodations) relative to ship launchings. [Further, while the "reimbursement for travel" section (§500.735-11(e)) is not directly applicable (note "C." below), it reflects a policy envisioning acceptance of "travel" accomodations by Commission personnel.] See FMC memos of 8/5/76 attached.

"C. Facts resume - As generally noted in initial response (7/30/76).

"(1) Commissioner Day was furnished transportation in kind which was not special for him. Flight originated in New York (not Washington, D.C.). Undoubtedly flight would have gone without him (transport of other guests from New York).

"(2) Commissioner Day did not incur any expense. He was, likewise, not reimbursed for incurred expense. He was not given an air transportation ticket. The transportation furnished to Commissioner Day was of intangible value (not special flight for him, flight would have operated without him). (Hence, the 'reimbursement for travel' provision of Title 46 Part 500, §500.735-11(e) is not applicable.)"

GAO's comment

According to Commissioner Day's response and the pertinent travel order, he attended the launching of the containership Export Freedom on January 15, 1972, in his official capacity as a commissioner. Further, we understand that Commissioner Day's transportation from New York City to and from Maine was provided by means of a chartered flight paid for by a private source (i.e., either Bath Iron Works Corporation or American Export Isbrandtsen Lines, Inc.). Commissioner Day is of the opinion that this means of transportation was properly authorized under §500.735-11(b)(5) and not prohibited by paragraph (e) thereof.

The governing regulations state in relevant part (46 C.F.R. §500.735-11):

"§500.735-11 Gifts, entertainment, and favors.

"(a) Except as provided in paragraphs (b) and (e) of this section, an employee shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan, or any other thing of monetary value, from a person who;

"(1) Has, or is seeking to obtain, contractual or other business or financial relations with the Commission;

"(2) Conducts operations or activities that are regulated by the Commission; or

"(3) Has interests that may be substantially affected by the performance or nonperformance of his official duty.

"(b) Exceptions to paragraph (a) of this section are as follows:"

* * * * *

"(5) Under this section, Commission employees may participate in keel layings, Christenings, and ship launchings and accept meals, accommodations, and entertainment related thereto when the invitation to such an event is addressed to the Commission and the Chairman of the Commission approved the acceptance of the invitation."

* * * * *

"(e) Neither this section nor §500.735-12 precludes an employee from receipt of bona fide reimbursement, unless prohibited by law, for expenses of travel and such other necessary subsistence as is compatible with this part for which no Government payment or reimbursement is made. However, this paragraph does not allow an employee to be reimbursed, or payment to be made on his behalf, for excessive personal living expenses, gifts, entertainment or other personal benefits, nor does it allow an employee to be reimbursed by a person for travel on official business under agency orders when reimbursement is proscribed by Decision B-128527 of the Comptroller General dated March 7, 1967." (Underscore added.)

Paragraph (e) above specifically disallows an employee from being reimbursed by a private source for travel on official business when reimbursement is proscribed by our decision in B-128527 dated March 7, 1967 (46 Comp. Gen. 689 (1967)). In that decision we held that any employee's expenses incurred incident to official travel are chargeable to the agency's appropriations. Without statutory authority for the agency to accept gifts or donations from private sources, reimbursement for expenses incident to the employee's official travel (either in cash or in kind) would constitute an improper augmentation of the agency's appropriations. We have found no statutory authority under which the Federal Maritime Commission may accept gifts or donations from a private source.

Commissioner Day points to §500.735-11(b)(5), which states that employees may participate in ship launchings and accept meals, accommodations, and entertainment related thereto, as authority to use the chartered flight. He

contends the term "accommodations" includes an employee's travel accommodations provided by a private source to and from the place of the ship launching. In support of this position Commissioner Day has furnished us copies of internal memoranda of the Federal Maritime Commission indicating §500-735-11 (b)(5) was included within its regulations when they were first published in 1966 in contemplation of a similar provision contained in the Civil Aeronautics Board's conflicts of interest regulations.1/ It is also pointed out that the regulation was adopted with the specific advice and approval of the Civil Service Commission. The underlying purpose of §500-735-11(b)(5) was to further public relations.2/

In our decision 37 Comp. Gen. 776 (1958) we addressed the question whether participation in affairs contemplated by the referenced Civil Aeronautic Board's regulations (e.g., inaugural flights of air carriers) constituted an improper augmentation of funds and did not raise legal obligation thereto. The Board contended that it had been a long time custom for air carriers to conduct ceremonial flights celebrating the inauguration of new service and to invite high-level Government officials to participate in such flights. With respect to the question whether such travel constituted an improper augmentation the Board argued:

1/ 14 C.F.R. §370.735-22(c)(1):

> "(c) The provisions of §370.735-21 shall not prohibit the acceptance of the following:
>
> "(1) Invitations addressed to and approved by the Board for employees designated by the Board (including, where applicable, their wives or a member of their immediate family), to participate in ceremonial or inaugural flights, and meals, accommodations, and entertainment incidental thereto."

2/ A memorandum dated Jan. 13, 1966 stated in part:

"In the light of past participation of our officers in such affairs, coupled with the fact that we do not have a responsibility in any way for the construction differential/subsidy or operating differential/subsidy, or other forms of Government aid to ship construction or operations, it would appear that from the standpoint of public relations participation in such affairs should be permitted."

"As noted above, the opinion of December 24, 1957 states that prior decisions have 'indicated generally' that the payment by others of traveling expenses of an employee of the Government on official business is prohibited by 18 U.S.C. 1914 and that such a practice would result in an unauthorized augmentation of appropriations. It is believed that participation in a ceremonial flight can, and should be, distinguished from official 'travel' in the ordinary sense of the term. Typically, 'travel', and the incurrence of 'traveling expenses', are incidental to the performance of official business at a particular point away from the employee's headquarters. In the case of ceremonial flights, however, the official business is making the flight, i.e., being on board the aircraft, and events taking place en route, or at the ultimate destination, are merely incidental to the flight. Expressed another way, the 'ceremony' is the flight. The purpose of participating in such flights is not primarily to permit official business to be performed at the ultimate destination of the flight, but rather, to have been a passenger on the flight.

"Thus, it would appear that the expenses defrayed by an air carrier in connection with participation by Government officials in ceremonial flights are not, in fact, 'traveling expenses' of the kind to which the opinion of December 24, 1957, and prior decisions, referred. Whether it be concluded that this distinction is, or is not, a valid one, it has in fact been made by the Board. Specifically, when officials representing the Board have participated in a ceremonial flight which did not originate in Washington, D.C., their normal traveling expenses from Washington, D.C., to the point of origination of the flight and return from that point to Washington, D.C., have been borne by the Government." (Underscore added.)

37 Comp. Gen. 776, supra, did not object to the participation by Board employees in such inaugural flights. However, we see a distinction between participating in an inaugural flight, where, as indicated above, "the ceremony is the flight," and attendance at a ship launching, where the ceremony takes place at a location which must be traveled to. Both ceremonies are considered by the agencies concerned to fall within the official duties of the officials who attend them. But in each of the two situations, necessary travel to attend the ceremonies should be paid for out of appropriated funds, as was done in the case of the Board officials when travel expenses to and from the departure point of the inaugural flight were paid from appropriated funds. Also, while we reserve judgment on the question of whether accommodations may be provided Federal Maritime employees who attend ship launchings, 46 C.F.R. §500.735-11 itself distinguishes between "travel" and "accommodations." Therefore, we do not think the effect of the Comptroller General decision cited by the regulation is properly overcome by referring to travel by chartered plane as an "accommodation."

In our opinion therefore, unless it can be demonstrated that the chartered flight from New York City to Bath was in fact part of the ship launching ceremony, travel by Commissioner Day to Bath on such flight without reimbursing the charterer of the plane for the reasonable value of the flight resulted in an unauthorized augmentation of Federal Maritime Commission funds.

QUESTION 4

Listed below are several items which are not readily reconcilable between what you reported to the Committee and what was shown on your travel vouchers. Please provide explanations for these items.

Date of trip	Item
April 30 to May 4, 1971	The report to the Committee shows no per diem or other expenses but voucher shows $77.95.
June 4-8, 1971	The report shows $106.25 per diem but voucher shows $118.75
June 1-7, 1972	The report shows $145.70 per diem and $38.77 for other expenses but voucher shows $221.95 and $57.22 respectively.

Sept. 9-12, 1973 Feb. 28 to Mar. 2, 1974 Apr. 26-28, 1974 Aug. 2-4, 1974 Nov. 14-16, 1974 May 23-24, 1975 Oct. 23-25, 1975	The report did not show rental car costs which were included on the vouchers.

Commissioner Day's response

"(a) Trip of April 30 - May 4, 1971

"Report to Committee showed no per diem -- a net figure per accounting adjustment (explained on voucher note attached).

"(b) Trip of June 4 - 8, 1971

"The figure of $106.25 was obtained from an incorrect voucher which was later corrected.

"(c) Trip of June 1 - 7, 1972

"The report incorrectly showed only a sub-total on the first voucher sheet - second voucher sheet with grand total attached.

"(d) Trips of-

September 9 - 12, 1973
February 28 - March 2, 1974
April 26 - 28, 1974
August 2 - 4, 1974
November 14 - 16, 1974
May 23 - 24, 1975
October 23 - 25, 1975

"The report was prepared from records which did not include rental car expenses because these were paid for by FMC credit card and were billed directly to the Commission (see records attached)."

GAO's comment

Commissioner Day's response adequately reconciles the difference between what he reported to the Committee and what was shown on his travel vouchers.

PROPRIETY OF OFFICIAL TRAVEL FOR COMMISSIONERS TO ATTEND MEETINGS IN WASHINGTON D.C., FROM OUT OF TOWN ON VACATION

QUESTION

May a commissioner properly charge the Government for traveling expenses from the place where he is on vacation to Washington, D.C., and return, for the purpose of attending a meeting on official business?

GAO's COMMENT

The general rule is that when an employee proceeds to a point away from his official duty station on annual leave, he assumes the obligation of returning to that station at his own expense. B-182449, January 19, 1976. In recognition of an employee's entitlement to reimbursement for his traveling expenses on official business, however, (paragraph 1-1.3 of the Federal Travel Regulations, FPMR 101-7), the following exception exists. When an employee's annual leave is interrupted for temporary duty (i.e., official business) at his official duty station he may be reimbursed for his expenses for authorized travel from his place of leave to that station and return. B-177106, December 26, 1972. Returning to Washington, D.C. for official business from vacation necessarily involves a change in duty status whether the temporary duty may consist of the attendance at a meeting for one day (B-185070, Apr. 13, 1976) or the performance of duty for several months (28 Comp. Gen. 237 (1948)).

Commissioners of regulatory agencies however are Presidential appointees who are exempt from the provisions of the Annual and Sick Leave Act (5 U.S.C. 2061(1)). Generally speaking, therefore, commissioners do not take annual leave within the ordinary meaning of the term in the Government. Rather the commissioners are generally considered as being on duty at all times, including periods of vacation, and therefore have freedom to absent themselves from duty as they see fit. See H. Rep. No. 629, 83d Cong., 1st Sess. 6 (1953).

TRAVEL INSTANCES WHERE ALL OR PART OF

COMMISSIONERS' TRAVEL COSTS WERE PAID BY

PRIVATE ORGANIZATIONS

The Committee wanted to know whether there was a potential conflict of interest when part or all of commissioners' travel expenses were paid by private organizations.

GAO's COMMENT

In the absence of evidence to the contrary we assume no conflict of interest situations existed with respect to such payments, and in any effect we do not have statutory or regulatory authority to issue formal legal opinions on whether the conduct of officers and employees of other agencies amounts to a conflict of interest.1/ We did analyze the travel aspects of these trips as discussed below.

TRAVEL BY COMMISSIONER PAUL R. DIXON
FEDERAL TRADE COMMISSION

1. 10/5/72 to 10/9/72: Travel to Bermuda to speak at meeting of the National Association of Chain Drug Stores.

Paid by U.S. Government:	transportation	$173.00
	other	19.00
		$192.00

Hotel was "provided other than by government" for an unknown value.

2. 11/11/72 to 11/14/72: Travel to San Francisco to speak at the National Frozen Food Convention.

Paid by U.S. Government:	transportation	$414.00
	other	13.00
		$427.00

Hotel was "provided other than by government" for a value of $120.00.

1/ The basic provisions governing such questions are criminal statutes enforced by the Department of Justice, other statutes administered by individual agencies, and other statutory standards and requirements subject to implementation by other agencies concerned.

3. 10/19/73 to 10/22/73: Travel to Oklahoma City, Oklahoma to speak at Oklahoma Retail Grocers Association.

Paid by U.S. Government:	transportation	$229.27
	other	23.50
		$252.77

Hotel was "provided other than by government" for an unknown value.

4. 11/29/73 to 11/30/73: Travel to New York to speak at American Apparel Manufacturers Association.

Paid by U.S. Government:	transportation	$69.27
	other	25.50
		$94.77

Hotel was "provided other than by government" of an unknown value.

5. 5/20/75 to 5/22/75: Travel to Ft. Lauderdale, Florida to speak at National Retail Merchants Association.

Paid by U.S. Government:	transportation	$236.73
	other	13.00
		$249.73

Hotel was "provided other than by government" for a value of $52.00.

Applicable regulations

16 C.F.R. 0.735-11 Gifts, entertainment and favors.

"(e) Neither this section nor §0.735-12 ['Outside employment and other activity'] precludes an employee from receipt of bona fide reimbursement, unless prohibited by law, for expenses of travel and such other necessary subsistence as is compatible with this part for which no Government payment or reimbursement is made. However, this paragraph does not

allow an employee to be reimbursed, or payment to be made on his behalf, for excessive personal living expenses, gifts, entertainment, or other personal benefits, nor does it allow an employee to be reimbursed by a person for travel on official business under Commission orders when reimbursement is proscribed by Decision B-128527 of the Comptroller General dated March 7, 1967." (Underscore added.)

GAO's comment

In all of the above trips we understand that but for lodging the Government paid for Commissioner Dixon's travel and other expenses, thus indicating he attended the functions on official business. His lodgings were paid for by the private source. Paragraph (e) above does not allow an employee to be reimbursed by a person for travel on official business when reimbursement is proscribed by our decision B-128527, March 7, 1967 (46 Comp. Gen. 689 (1967)). In that decision we held that any employee's expenses incurred incident to official travel (thus including lodging expenses) are chargeable to the agency's appropriations. Without statutory authority for the agency to accept gifts or donations from private sources, reimbursement for any expenses incident to an employee's official travel (either in cash or in kind) would constitute an improper augmentation of the agency's appropriations. We are unaware of any statutory authority providing for the acceptance of gifts or donations by the Federal Trade Commission.

TRAVEL BY COMMISSIONER CHARLOTTE T. REID
FEDERAL COMMUNICATIONS COMMISSION

1. 6/28/72 to 6/29/72: Travel to Williamsburg, Virginia to attend meeting of Maryland/D.C./Delaware Association of Broadcasters.

Transportation provided by member of association (Commissioner drove with the member). Value: $30.00.

2. 10/4/73 to 10/5/73: Travel to Columbus, Ohio to speak "for Congressman Ralph Regula".

Nothing was charged to the U.S. Government; transportation and lodging were "provided other than by the government" for a value of $88.00.

3. 10/21/73 to 10/22/73: Travel to Aurora and Barrington, Illinois to speak for the Republican Women's Club of Aurora.

Transportation "provided other than by government" for a value of $141.00.

4. 12/6/73 to 12/7/73: Travel to Boca Raton, Florida to speak for the National Home Study Institute.

Transportation "provided other than by government" for a value of $150.00.

5. 1/3/74 to 1/8/74: Travel to Arizona to speak for the Distilled Spirits Council of U.S., Inc.

Transportation "provided other than by government" for a value of $440.73.

6. 2/2/74 to 2/3/74: Travel to Milwaukee, Wisconsin to speak for the American Association of University Women.

Transportation "provided other than by government" for a value of $203.47.

Applicable regulations

47 C.F.R. §19.735-202 - Gifts, entertainment and favors.

"(f) Neither this section nor §19.735-203 [Outside employment and other activity] precludes an employee from receipt of bona fide reimbursement, unless prohibited by law, for expenses of travel and such other necessary subsistence as is compatible with this part for which no Government payment or reimbursement is made. However, this paragraph does not allow an employee to be reimbursed, or payment to be made on his behalf, for excessive personal living expenses, gifts, entertainment, or other personal benefits, nor does it allow an employee to be reimbursed by a person for travel on official business under agency orders when reimbursement is proscribed by Decision B-128527 of the Comptroller General dated March 7, 1967." (Underscore added.)

GAO's comment

We understand the Government did not pay for any of the expenses with respect to the trips listed above. Instead it appears that Commissioner Reid's transportation and/or lodging expenses were provided for by the private source concerned either in cash or in kind. The record is unclear, however, whether Commissioner Reid attended the activities in her official capacity or during a leave of absence. If the travel was on official business, then our decision B-128527 (46 Comp. Gen. 689 (1967)), discussed earlier, applies and the reimbursement of her expenses by private sources may have been an improper augmentation of funds.

If Commissioner Reid attended the activities during a leave of absence, however, no augmentation question is present. Under such circumstances, acceptance of the transportation and lodging accommodations would be authorized by the underlined portion of paragraph (f) above, the purpose of which was to allow an employee to accept reimbursement when he voluntarily participates in outside activities (e.g., participation in a convention, seminar or meeting held by a private organization) not otherwise prohibited on his own time or other authorized leaves of absences. (See letter of the Chairman, Civil Service Commission, 46 Comp. Gen. 689, 690 (1967)).

TRAVEL BY COMMISSIONER RICHARD SIMPSON
CONSUMER PRODUCT SAFETY COMMISSION

1. 11/11/74 to 11/12/74: Speaking engagement in Milwaukee, Wisconsin at a seminar sponsored by Wisconsin Manufacturers Association.

Paid by U.S. Government:	transportation	$120.74
	per diem	13.75
		$134.49

Lodgings were "provided other than by government" for an unknown value.

2. 6/17/75 to 6/18/75: Visited the safety facilities at RCA in Indianapolis.

Paid by U.S. Government:	transportation	$156.73
	per diem	17.50
		$174.23

Lodgings were "provided other than by government" for an unknown value.

78-925 O - 76 - 6

3. 9/26/75 to 10/3/75: Participated in seminar in Tokyo, Japan sponsored by SANKEI SHIMBUN News Media on Consumer Protection.

Paid by U.S. Government: transportation $2,119.54

No per diem or other expenses were claimed. Items "provided other than by government": trains from Tokyo to Kyoto, Osaka, and meals and lodgings (value unknown).

Applicable regulations

None. (The Commission did not publish regulations on employee standards of conduct until Feb. 23, 1976).

GAO's comment

In all three of the referenced trips we understand the Government paid for Commissioner Simpson's travel expenses to the place of his engagement. Lodgings apparently were provided by the private source in kind. Since the Commission has the authority to accept gifts from private sources (15 U.S.C. 2076 (b)(6)) its employees may properly be furnished accommodations in kind from private sources. See 46 Comp. Gen. 689 (1967).

ANALYSIS OF TRAVEL ASPECTS OF THE CONSUMER PRODUCT SAFETY COMMISSION S CONFLICT OF INTEREST REGULATION

Applicable regulations of the Comsumer Product Safety Commission are:1/

"§1030.301 Accepting gifts and expenses from outside sources.

"(a) Except as provided in paragraph (b) of this section, an employee shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan, travel, or any other thing of monetary value from a person or organization who:

"(1) Conducts operations or activities that are regulated by the Commission;

"(2) Has, or is seeking to obtain, contractual or other business or financial relations with the Commission;

"(3) Has interests that may be substantially affected by the performance or nonperformance of the employee's duties.

"(b) The following are exceptions to the restrictions set forth in paragraph (a) of this section:

* * * * *

"(7) Acceptance of incidental, short-distance transportation in kind from a private organization, provided it is furnished in connection with the performance of the employee's official duties when other transportation is not otherwise available or convenient.

"(c) An employee shall not accept an honorarium, transportation expenses, or per diem from a private source when the employee

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1/ The regulations were published in final form on Feb. 23, 1976 (41 F.R. 8018-25 (1976)).

is on official duty, under Commission orders, and the travel or per diem expenses are payable by the Commission. However, the Commission may accept gifts, including reimbursement for employee travel expenses, pursuant to §1030.304 of this Subpart.

* * * * *

"§1030.304 Commission authority to accept gifts and voluntary and uncompensated services.

"Section 27(b)(6) of the Consumer Product Safety Act (15 U.S.C., section 2076(b)(6)) gives the Commission the authority to accept gifts and voluntary and uncompensated services, notwithstanding the provisions of Section 3679 of the Revised Statutes (31 U.S.C. 665(b)). The authority of the Commission to accept gifts does not authorize employees to accept gifts in their individual names. However, certain employees of the Commission may accept such gifts and services on behalf of the Commission in accordance with the Commission's directive on gifts and voluntary services." (Underscore added.)

In our opinion, the Commission s regulations are in accord with the governing executive order (Executive Order 11222 dated May 8, 1965), the Civil Service Commission regulations (5 C.F.R. §735.101 et seq.), and our decisions. Of particular importance is the Commission's authority to accept gifts from private sources (15 U.S.C. 2076(b)(6)), and in this regard the regulations appear to properly reflect our decisions on reimbursement for official travel from a private source where an agency has such statutory authority. We explained in our decision in 46 Comp. Gen. 689 (1967) that when an agency has authority to accept gifts from private sources the following principle applies:

"No direct reimbursement of travel expenses should be made by the donor to any individual employee. Rather, reimbursement (the donation) should be made to the agency and amounts received should be credited to its appropriation. The

employee involved should be paid by the agency in accordance with all applicable laws and regulations relating to reimbursement for official travel. If the donor furnishes accommodations, goods or services in kind to an employee they may be treated as a donation to the agency and either no per diem and other travel expenses should be paid by the agency or an appropriate reduction should be made in the per diem or other travel expenses payable depending upon the extent of the donation. * * * "

APPENDIX D.—RESPONSES FROM COMMISSIONERS AND BOARD MEMBERS

Each person surveyed in this study was given a two-week comment period by Senator Magnuson to respond to the Committee staff report and the General Accounting Office report on official travel. Several officials telephoned the Committee saying they had no comment. Additionally, a few letters were received and are printed below.

Interstate Commerce Commission
Washington, D.C. 20423

December 7, 1976

Honorable Warren G. Magnuson
Chairman
United States Senate
Committee on Commerce
Washington, D. C. 20501

Dear Chairman Magnuson:

This is to acknowledge and thank you for your letter of December 6, 1976, advising that the information I furnished you on January 16, 1976, regarding travel as an official of an independent regulatory agency had been analyzed and would be published as a committee print.

I appreciate your forwarding for my perusal a copy of the draft committee print.

This will also advise you that I have reviewed the enclosed material and find no corrections and do not feel that any written comment is necessary on my part.

Again, thank you for your courtesy.

Cordially,

Rupert L. Murphy
Commissioner

Interstate Commerce Commission
Washington, D.C. 20423

December 8, 1976

Honorable Warren G. Magnuson
Chairman
Committee on Commerce
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

I have no comments to make with respect to your letter of December 6 regarding travel by regulatory Commissioners.

Sincerely yours,

Robert C. Gresham
Commissioner

Federal Maritime Commission
Washington, D.C. 20573

Office of the Vice Chairman

December 9, 1976

Honorable Warren G. Magnuson
Chairman, Committee on Commerce
United States Senate
Washington, D. C. 20510

Dear Mr. Chairman:

I wish to thank you for giving me the opportunity to comment on the draft Committee Print and the Report of the Comptroller General dealing with Travel by Regulatory Commissioners.

Insofar as my personal activities are concerned, I find nothing in the Report of the Comptroller General which requires my comment.

As to the draft Committee Print, with but one exception I find the material dealing with my personal activities is factual. The one error in the draft Committee Print appears in Footnote 3 under Summary of Commissioners' Travel on page (20).

This Footnote 3 states:

> "These amounts indicate travel expenditures paid by the Federal Government; for these years Morse also reported the following additional travel expenditures were paid by other organizations or persons: 1972 - $17.50; 1973 - $15; 1974 - $323.39."

The error is in respect to the statement that in 1974 the sum of $323.39 was paid by "other organizations or persons".

Reference is made to Form Number I attached to my completed Questionnaire dated February 14, 1976, and specifically to the round trip from Washington, D. C., to Halifax, Nova Scotia, in June 1974. Attachment "A" thereto clearly indicates the Federal Government paid the $323.39. All other expenses of the trip were paid by myself. Hence, said Footnote 3 should be corrected by deleting therefrom "1974 - $323.39".

Sincerely yours,

Clarence Morse

Clarence Morse

DEC 10 1976

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, D.C. 20410

OFFICE OF THE ASSISTANT SECRETARY
FOR CONSUMER AFFAIRS AND REGULATORY FUNCTIONS

IN REPLY REFER TO:

December 11, 1976

The Honorable Warren G. Magnuson
United States Senate
Washington, D.C. 20501

Dear Senator Magnuson:

Thank you for your letter of December 6, 1976 and for the opportunity to review the materials enclosed with that letter, "Travel by Regulatory Commissioners" and "Analysis of Travel Activities of Certain Regulatory Agency Commissioners During 1974-75." I have no comments on the latter; however, I do have some comments on the former.

On page 15 of the Staff Report "Travel by Regulatory Commissioners" I was concerned to note that I was listed as having addressed no consumer or safety groups. I do not believe that this is accurate. I have reviewed the material that I submitted to your office and would like to have the number of addresses made to consumer or safety groups changed from zero to seven. These talks were as follows:

Date	Identity of Group
1974	
4/23-4/24	Georgia Chapter, American Society of Safety Engineers and Georgia Business and Industrial Association
5/29	Gulf Coast Regional Conference for Low Income Consumers
9/12	Session Co-sponsored by GWU Council of Better Business Bureau and Special Assistant to the President for Consumer Affairs
12/9-12/10	ASTM Committee F-15 on Consumer Product Safety

Date	Identity of Group
12/13	Freedmen's Hospital Safety Committee
1975	
3/26	CCID Pilot Test Project Kickoff Session Sponsored by CPSC NY Area Office, Audience was Comprised Totally of Consumers
12/3	ANSI Consumer Council Meeting

In addition, I would like to point out that many of my talks to other groups concerned consumer issues and/or the responsibilities of the particular group vis a' vis the consumer. Thus, I think that it might be helpful to the public in reading your report to indicate that subject matter was not determined by group addressed. Furthermore, as you are aware, the Consumer Product Safety Commission's "openness" policy required that meetings addressed by Commissioners and staff be open to the public. I adhered to that policy.

Again, thank you for allowing me to review the reports.

Sincerely,

Newman

Constance B. Newman
Assistant Secretary

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

December 14, 1976

IN REPLY REFER TO:

Honorable Warren G. Magnuson
Chairman, Committee on Commerce
United States Senate
Washington, D. C. 20510

Dear Mr. Chairman:

I appreciate the opportunity to comment on the draft of the Senate Committee on Commerce Staff Report, Travel by Regulatory Commissioners.

As a preliminary matter, I would like to point out that I was appointed to the Federal Communications Commission (FCC) from the District of Columbia, not from Illinois, as is stated in "Summary of Travel by Commissioner to Home State, 1971-75" on page 4 of the draft Staff Report. At the time of my first appointment, I had been living in the District of Columbia for many years and I continued living in the District for many more years. Indeed, I have not been a resident of Illinois for almost forty years. For this reason, statistics distinguishing home state and other visits are not applicable to me.

The draft Staff Report suggests that my days on travel status and my absences from FCC meetings have been excessive. However, as shown in my February 13, 1976, letter to you, more than one-half of the days I was on travel status from 1971 through 1975, and more than seven thousand dollars of my travel expenditures were due to my participation in meetings of the International Telecommunications Union (ITU) from 1971 through 1974. When the statistics are corrected to take ITU meetings into account, I believe you will see that my travel for speeches and visits has been reasonable and that my FCC meeting attendance record has been very good. Indeed, my attendance ranks in the top thirty-one percent of Commissioners studied.

The ITU is the oldest body within the United Nations having been found in 1865 by Napoleon Bonaparte. It has played a vital role in international communications by providing the mechanisms through which the nations of the world, including the United States, have been able to negotiate treaties and adopt international regulations regarding spectrum utilization and other communications matters. The decisions reached by the ITU directly affect use of frequency spectrum in the United States and the ability of the United States to communicate with foreign countries and ships at sea.

The work of the ITU is accomplished through periodic World Administrative Radio Conferences and Plenipotentiary Conferences held every six to eight years. The World Administrative Radio Conferences, often referred to as WARCs, are devoted to specific subjects, such as telephone and telegraph, space, maritime mobile, and broadcast satellite. The Plenipotentiary Conferences deal with the totality of telecommunications matters. Because of the complexity of the issues, these meetings often last several weeks or several months and include many evening and weekend sessions. In addition, inter- and intra-regional meetings are often held to develop better understanding with other nations and to prepare for the formal ITU meetings.

Since the Communications Act of 1934, as amended, charges the FCC with responsibility for " . . . regulating interstate and foreign commerce in communication by wire and radio so as to make available, so far as possible, to all the people of the United States a rapid, efficient, Nation-wide, and world-wide wire and radio communication service . . . " (47 U.S.C. §151) and gives the FCC exclusive jurisdiction over uses made of non-government spectrum space and over communications common carriers, FCC participation in the ITU is vital. Indeed, because of the responsibility conferred by the Communications Act, the FCC does a substantial amount of the work necessary to prepare the proposals of the United States for ITU meetings. Participation in these meetings is an obvious part of an FCC Commissioner's responsibilities.

I have been honored to have been chosen by the Secretary of State to represent the FCC and the United States as Chairman or Vice Chairman of United States delegations to several of these

meetings. Table I (attached) shows the number of days I was on travel status and my travel expenditures due to my ITU meeting attendance. Table II (attached) shows my days on travel status and my travel expenditures for purposes other than ITU meetings. "FCC-Summary of Commissioners' Travel (1971-75)" on page 16 of the draft Staff Report should be revised to reflect these statistics.

These statistics in Table I and II substantially qualify the statement on page 3 of the draft Staff Report regarding a Commissioner who " . . . was on travel status for an average of 61 days annually and as many as 99 days in one year." From 1971 through 1974 I was on travel status an average of 41.50 days due to ITU meetings. From 1971 through 1975, my days on travel status averaged only 27.55 days a year for reasons other than ITU meetings. While I was on travel status for 99.75 days in 1973, 59.50 of those days involved ITU meetings.

During 1974 there were several vacancies at the FCC at the time of the ITU conference. Since my participation in FCC meetings was necessary for a quorum, I arranged to receive my agenda by courier and to participate in eight FCC regular agenda meetings by telephone. Table III attached to this letter adjusts the statistics in "Attendance and Absenteeism of Commissioners of FCC at Commission Meetings, 1971-75 [in percent]" and "Attendance and Absenteeism of Commissioners of FCC at Commission Meetings, 1971-75 [Year-by-year summary] on pages 16 and 17, respectively, of the draft Staff Report to reflect this participation. It also corrects typographical and computational errors in these charts.*

Table IV attached to this letter shows the number of FCC meetings held concurrently with the ITU meetings I attended in 1971 through 1974. This table also includes an adjustment to the 1974 data to reflect the number of regular meetings in which I participated by telephone.

The most accurate reflection of my participation in FCC meetings is contained in Table V (attached). With the exception

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* Even if the meetings in which I participated by telephone are not considered, the figures regarding my attendance record on page 17 of the draft Staff Report are in error.

of the eight regular meetings in which I participated by telephone in 1974, the number of FCC meetings held concurrently with ITU meetings has been subtracted from the total number of FCC meetings, the total number of regular meetings and the total number of special meetings held in the appropriate years, as reflected in "Attendance and Absenteeism of Commissioners of FCC at Commission Meetings, 1971-75 [in percent]" and "Attendance and Absenteeism of Commissioners of FCC at Commission Meetings, 1971-75 [Year-by-year summary]" on pages 17 and 18, respectively, of the draft Staff Report. This table also includes corrections to typographical and computational errors in the draft Staff Report.

Table VI is a revision of "Summary of Attendance and Absenteeism by Commissioner at Regular and Special Meetings, 1971-75" on page 10 of the draft Staff Report. This Table reflects the data in Table V.

The data in Tables V and VI clearly show that, when FCC meetings held concurrently with ITU meetings are eliminated from the base upon which my attendance record is computed, I attended an average of 93 percent of all FCC meetings, 94 percent of regular FCC meetings, and 92 percent of special FCC meetings.

Finally, the "Summary of Groups Visited and Addressed by Commissioners of FCC" on page 19 of the draft Staff Report should be corrected. I visited and addressed a total of 77 groups if ITU meetings are included and 71 groups if ITU meetings are excluded.

If you have any questions about the information contained in this letter and the attached Tables, I will be glad to answer them.

Sincerely yours,

Robert E. Lee

Robert E. Lee
Commissioner

TABLE I
COMMISSIONER LEE'S ATTENDANCE AT ITU MEETINGS,
1971 - 1974

YEAR	MEETINGS	POSITION	DAYS ON TRAVEL STATUS	EXPENDITURES
1971	World Administrative Radio Conference for Space Telecommunications, Geneva, Switzerland	Vice Chairman, U. S. Delegation	44.25	$1,679
1972	Meetings in preparation for 1973 ITU Plenipotentiary Conference, Ottawa, Canada, and Tokyo, Japan		11	1,598
1973	World Administrative Telephone and Telegraph Conference, Geneva, Switzerland; ITU Plenipotentiary Conference, Malaga-Torremolinos, Spain	Chairman, U.S. Delegation	59.50	2,281
1974	World Maritime Administrative Radio Conference, Geneva, Switzerland	Chairman, U.S. Delegation	51.50	1,732
TOTAL			166.25	$7,290
AVERAGE			41.50	$1,823

78-925 O - 76 - 7

TABLE II
FCC-SUMMARY OF COMMISSIONERS' TRAVEL (1971-75)
(Page 16 revised to show non-ITU Travel)

YEAR	DAYS ON TRAVEL STATUS OTHER THAN FOR ITU	TRAVEL EXPENDITURES OTHER THAN FOR ITU
1971	15.25	$1,333
1972	10.25	681
1973	40.25	3,374
1974	35.75	3,319
1975	36.25	3,241
TOTAL	137.75	$11,948
AVERAGE	27.55	$2,390

TABLE III

ATTENDANCE AND ABSENTEEISM OF COMMISSIONERS OF FCC AT COMMISSION MEETINGS, 1971-75

[In percent] (Revision to page 17 to show telephone participation)

	Term commenced	1971-75 average					
		Total		Regular Meetings		Special Meetings	
		Attended	Absent	Attended	Absent	Attended	Absent
			*	*	*		
Lee	Oct. 6, 1953	90*	10	89	11	91	9
			*	*	*		

* Correction of typographical and computational errors in draft of Staff Report.

ATTENDANCE AND ABSENTEEISM OF COMMISSIONERS OF FCC AT COMMISSION MEETINGS, 1971-75
[Year-by-year summary]

Year and Commissioner's name	Total number of meetings	Attended		Absent		Regular meetings					Special meetings				
							Attended		Absent			Attended		Absent	
		Percent	Number	Percent	Number	Total	Percent	Number	Percent	Number	Total	Percent	Number	Percent	Number
1971:															
Lee	67*	82	55	18	12	44	77	34	23	10	23	91	21	9	2
1972:															
Lee															
1973:					*			*			*				
Lee															
1974:															
Lee	105	94	99	1	6	70	93	65	7	5	35	97	34	3	1
1975:					*			*			*				
Lee															

* Correction of typographical and computational errors in draft of Staff Report.

TABLE IV

NUMBER OF FCC MEETINGS HELD CONCURRENTLY WITH ITU MEETINGS ATTENDED BY COMMISSIONER LEE, 1971-74

YEAR	TOTAL	REGULAR	SPECIAL
1971	2	2	0
1972	2	2	0
1973	14	10	4
1974	10	9	1
1974 ADJUSTED*	2	1	1
ADJUSTED TOTAL	20	15	5

* Adjusted to exclude meetings on which Commissioner Lee participated by telephone.

TABLE V

ATTENDANCE AND ABSENTEEISM OF COMMISSIONERS OF FCC AT COMMISSION MEETINGS, 1971-75 [In percent]
(Revision to page 17)

Commissioner	Term commenced	1971-75 average					
		Total		Regular Meetings		Special Meetings	
		Attended	Absent	Attended	Absent	Attended	Absent
			*		*		*
Lee	Oct. 6, 1953	93*	7	94	6	92	8
			*		*		*

* Does not include FCC meetings held concurrently with ITU meetings attended by Commission Lee with the exception of the eight regular FCC meetings in which Commissioner Lee participated by telephone in 1974.

ATTENDANCE AND ABSENTEEISM OF COMMISSIONERS OF FCC AT COMMISSION MEETINGS, 1971-75
[Year-by-year summary]

Year and Commissioner's name	Total number of meetings	Attended		Absent		Regular meetings					Special meetings				
							Attended		Absent			Attended		Absent	
		Percent	Number	Percent	Number	Total	Percent	Number	Percent	Number	Total	Percent	Number	Percent	Number
1971	2/, 3/														
	65	85	55	15	10	42	81	34	19	8	23	91	21	9	2
1972						*		*			*				
Lee	3/ 75	93	70	7	5	47	91	43	9	4	28	89	25	11	3
1973						*		*			*				
Lee	3/ 71	90	64	10	7	41	98	40	2	1	30	80	24	20	6
1974						*		*			*				
Lee	1/ 103	96	99	4	4	69	94	65	6	4	34	100	34	0	0
1975						*		*			*				
Lee	176	97	170	3	6	88	99	87	1	1	88	94	83	6	5
						*		*			*				

1/ Does not include FCC meetings held concurrently with ITU meetings attended by Commissioner Lee with the exception of the eight regular FCC meetings in which Commissioner Lee participated by telephone in 1974.

2/ Includes corrections of typographical and computational errors.

3/ Does not include FCC meetings held concurrently with ITU meetings attended by Commissioner Lee.

TABLE VI

SUMMARY OF ATTENDANCE AND ABSENTEEISM OF COMMISSIONER AT REGULAR AND SPECIAL MEETINGS 1971-75
AVERAGE [In percent]
(Revision of page 10 to reflect adjustments for ITU travel)

Agency, Commissioner, or Member	Attended		Absent
	*	*	*
FCC:			
Lee	93		7
	*	*	*

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

DEC 16 1975

IN REPLY REFER TO:
3200

Honorable Warren G. Magnuson
Chairman, Committee on Commerce
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

Thank you for the opportunity to comment upon a draft of the Staff Report on Travel by Regulatory Commissioners.

While I have just a few items to note, I understand Commissioner Robert E. Lee is supplying you with a separate letter showing, among other things, that much of his travel was related to his participation as a Government official in meetings of the International Telecommunications Union. Since the Report's orientation is toward travel in connection with speeches to various groups, proper recognition should be given to a separate category involving participation in international conferences. As Commissioner Lee's letter indicates, such a correction will affect a number of the conclusions at page 3 of the Report.

Additionally, I would note that the simple recitation of statistics can be misleading. For example, the Report states at page 3 that "FCC Commissioners were on travel status more often than the Commissioners or Board members of any of the other agencies." Lest there be any implication that the Commissioners were in any way thereby neglecting their official duties in Washington, I would point out that the data also shows that in 1975 the other seven agencies included in the Report held an average of 94 meetings while the FCC held 176 (or 80% more than the average). Moreover, the statistics indicate that FCC Commissioners had the third best attendance record of the eight agencies studied.

The statement at page 3 that "none of the trips by FCC Commissioners involved Commission hearings away from Washington" is true only in the literal sense that the Commissioners do not participate in field hearings on adjudicatory issues -- a function performed by the administrative law judges. We have, however, held a number of regional meetings throughout the country -- with participation by the Chairman,

a number of Commissioners and key staff -- in an effort to bring government closer to the people. These regional meetings have typically been two day trips with one day devoted to meetings with broadcasters and the other day to meetings with the general public -- including a number of call-in programs where the public can ask questions concerning any phase of the Commission's functions. In any event, it is curious that the FCC should be singled out in this regard. For the eight agencies studied, the data reveals no out-of-town hearing data for five of the agencies; one hearing attended by two CAB members; for ICC, four hearings attended by one Commissioner, 3 by another, one hearing by two members and no out-ot-town hearings by five Commissioners. Only in the case of the NTSB is there any substantial number of out-of-town hearings, the figures there being combined with accident investigations.

Finally, the following largely typographical matters should be corrected:

1. Page 1 should read RICHARD E. WILEY

2. Page 1 should read GLEN (not Alen) O. ROBINSON

3. Page 16, footnote 3, should read as follows:

   "These amounts indicate travel expenditures paid by the Federal Government; travel expenses were also accepted by Wiley from the ABA or FBA for activities not regarded as Commission business in the following amounts: 1973 - $450.74; 1974 - $462.80; 1975 - $797.71."

4. Page 17 - the columns dealing with my attendance at regular meetings should read: attended 99%, absent 1% (The figures show I attended 255 of 258 regular meetings for the period noted.)

5. Page 18 - Under 1975 should read WASHBURN (not Washborn).

If I may be of further assistance, do not hesitate to contact me.

Sincerely,

Richard E. Wiley

Richard E. Wiley
Chairman

Federal Maritime Commission
Washington, D.C. 20573

Office of the Commissioner

December 16, 1976

The Honorable
Warren G. Magnuson
Chairman, Committee on Commerce
Washington, D. C. 20501

Dear Mr. Chairman:

Thank you for your letter of December 6, 1976 soliciting my review of the draft Committee Print (and General Accounting Office report).

I appreciate your courtesy in providing this opportunity and I would submit but two comments in response:

(a) the GAO states that it does not question that trips to the Maine Maritime Academy constituted official business. As previously noted, in my official capacity as a Federal Maritime Commissioner I have continuing contacts with, and overall knowledge of, the maritime industry. It has always been my sincere purpose to enhance our merchant marine by advising, and maintaining a dialogue with, the Academy on government's role relative to the government-regulated maritime industry. I was appointed to the Academy's Board because of my position as a Maritime Commissioner and I serve on the Academy's Board in the above regard. The GAO further notes, however, that the Maine Maritime Academy can provide such trips. Therefore, to avoid any possible misinterpretation in the future I intend that all such travel henceforth shall be my sole financial responsibility or that of the Academy.

(b) the GAO invites a showing that a charter flight (New York - Maine) in connection with a ship launching ceremony was in fact part of the ship launching ceremony.

The basis for the GAO's position is set forth in the cited decision of the Comptroller General regarding ceremonial flights (37 Comp.Gen. 776, 1958). In that decision the Comptroller General stated that he had no reason to question the continuing official nature of CAB officials' participation in ceremonial flights under the circumstances related. The related circumstances included the following descriptions -

"---it has been the custom for air carriers to conduct ceremonial flights celebrating the inauguration of new service, or the use of significantly new types of equipment, --- guests on these flights have included, in addition to officials of the Civil Aeronautics Board, officials of other agencies of the Government, members of both Houses of Congress, Governors and other state officials, Mayors and other city officials, and members of the press. --- At stops along the way, if any, and invariably at the ultimate destination, there are welcoming ceremonies and more often than not, the party is officially entertained by the foreign government or community involved. From the commercial advertising standpoint alone, you say that substantial benefits accrue to the carrier providing the new service, and such flights afford what may be termed "free publicity" to the carrier. Hence, the "more important the participants, the greater the publicity."

You further advance the opinion that participation in ceremonial flights by personnel of the Board is valuable from the regulatory standpoint, in part because it serves to acquaint the Board with the actual operations of the air carriers and, in much greater part, by reason of the contacts and exchange of views which it permits with local, state, and foreign officials. Hence, participation by other officials of the Government, particularly members of Congress, not only enhances the prestige and dignity of the flight, but contributes substantially to the benefits accruing therefrom to the United States."

As abovenoted, the participation in the ceremonial flight covered the flight and - incidental thereto - ceremonies and entertainment at stops en route and at the ultimate destination. All such activities permitted contacts and exchange of views - valuable from a regulatory standpoint. Further, travel to and from the originating point of the ceremonial flight was at Government expense.

With reference to the subject ship launching ceremonial I would similarly note that attendance at ship launchings is a traditional part of the Commission's ceremonial activities, and in fact, is expressly contemplated under the Commission's regulations. Whenever a ship is launched, it is customary for the shipbuilder or the shipping line to sponsor a launching ceremony and in that connection to invite high level representatives of the government and industry to that ceremony. Frequently, I believe an aircraft is chartered to transport these dignitaries to and from the launching site.

Similarly, I believe that the subject ship launching and the charter flight incidental thereto permitted similar contacts and a similar exchange of views valuable from a regulatory and public relations point of view. Likewise, travel to and from the originating point of the charter was at government expense.

I would further note that there was no reimbursement to me for incurred expense. The transportation furnished in connection with the launching was of intangible and quite undeterminable value. Individual first class, commercial round trip, N. Y. Me. transportation had an $84.00 value but there was not any way I know of really determining a proper charge for the type transportation provided by whichever company was the charterer.

I therefore sincerely believe that the transportation provided was, indeed, part of the launching ceremonies and of an intangible, undeterminable and minimal monetary value. Nevertheless I wish to avoid any possible misinterpretation in the future and I therefore assure you that hereafter any and all such transportation shall be at government expense.

I thank you for this opportunity to respond.

Respectfully,

James V. Day

James V. Day
Commissioner

FEDERAL TRADE COMMISSION
WASHINGTON, D. C. 20580

PAUL RAND DIXON
COMMISSIONER

December 16, 1976

The Honorable Warren G. Magnuson
Chairman
Committee on Commerce
United States Senate
Washington, D.C. 20501

Dear Mr. Chairman:

On January 19, 1976, at your request and pursuant to a resolution adopted by the Committee on Commerce, I sent to you information regarding my travel as a member of the Federal Trade Commission. With your letter of December 6, 1976, you enclosed for my perusal a copy of the draft Committee print as well as a report from the General Accounting Office which is to be incorporated in your final Committee report.

In accordance with the Committee's request I have reviewed the enclosed material and I do desire to make the following comment:

In Appendix V of the General Accounting Office report, five official trips by me were reviewed and the observation was made that while the government paid for my travel and other expenses, it did not pay for my lodging. Rather, my lodging was provided by the trade associations which had invited me to address their members. GAO comments that without statutory authority for the agency (Federal Trade Commission) to accept gifts or donations from private sources, reimbursement for any expenses incident to an employee's official travel would constitute an improper augmentation of the agency's appropriations, and GAO is unaware of any statutory authority providing for the acceptance of gifts or donations by the Federal Trade Commission.

Since March 1961, when I was sworn in as Commissioner and became Chairman of the Federal Trade Commission, I have believed that an integral part of my responsibilities, where practical, is the appearance before groups of citizens, including groups of business people, to explain policies of the Federal Trade Commission and to answer questions about the activities of the

Commission, where no conflict would arise from the appearance. Experience soon taught me that trade association members often held their meetings at the better (or at least the more expensive) hotels and resorts of our country, and that per diem allowances were often considerably less than the amount necessary to cover the actual expense of staying at such places. By 1970 I determined that if I were to attend such meetings, either the bodies before whom I appeared would have to pay the lodging expense or I would have to make a contribution from my own salary. In this regard I would note that in 1971 agency per diem was limited to $25 per day. In 1972 this was changed to $25 per day or actual expense not to exceed $40; on April 30, 1973, it became $33 per day or actual expense not to exceed $40; on May 27, 1976, per diem was changed to $33 per day or actual expense not to exceed $50, and in October 1976 it was changed to $35 per day or actual expense not to exceed $50.

Some of the gatherings to which I spoke were in hotels whose individual rates exceeded the above amounts. I was also informed in some cases by the various trade executives who invited me to appear in their programs that because of the large membership attendance they were furnished complimentary rooms, one of which would be assigned to me as a participant. I was never in any position of conflict when I made appearances before the trade associations and the expenses which were paid on my behalf in no way augmented my own income. Such expenses merely reflected the necessary cost of my accommodations while I was engaged in the performance of an official agency function, and my stay was in most instances very short. My usual experience was to arrive the night before my appearance(s) on the program and to depart, if at all possible, as soon as my required appearance or appearances were over.

Having reviewed the comments of GAO I do fully appreciate that under existing regulations it is necessary that while engaged in official business my lodging expenses be reimbursed only by the government. Accordingly, I assure you and other members of the Committee that until further changes are made in the law or regulations affecting travel I henceforth will not accept any speaking engagement unless it is clear that my reimbursable expenses will not exceed the prevailing per diem allowance, and I will insist that such expenses be reimbursed in all cases from the agency's budget. (Indeed, under the theory of Comptroller's decision B-128527 it would seem to be impermissible for me to pay my expenses while on

official business from my own funds, since that would be just as much an augmentation of the agency's budget as if such expenses were paid by the organization to which I spoke.)

I would like to note, however, that in my opinion the prevailing situation regarding travel allowances should be reconsidered. When agency members travel to speak in front of trade groups they are, of course, performing a public function which is part of their responsibility as public officials. On the other hand, the government is also providing a valuable service to the group which invited the agency member to speak. In light of this, it has never seemed unfair to me that the trade association, instead of the taxpayers, should be asked to bear a small part of the expenses resulting from an agency member's appearance before it. This is especially true when the meeting in question is held at an expensive location and the sponsoring group is readily able to absorb some of the costs. As a practical matter, some of this now occurs anyway. When a speech is preceeded by a banquet, for which those attending the speech may have paid pro rata $15 or $20, must a government speaker insist that his meal be billed to the government?

I realize there is a need to prevent the occurrence or the appearance of a conflict of interest. But in this regard I do not believe it makes much difference whether a speaker's necessary expenses are reimbursed by the government or the inviting party. Certainly I cannot imagine that I (or any government employee) would feel beholden to a group which furnished a hotel room in return for my appearance as a speaker.

In reviewing the staff report and GAO's comments I note that the Consumer Product Safety Commission is authorized to receive gifts, and as a result reimbursement of its members' lodging expenses when part of official business is not frowned upon or deemed illegal. I do not know whether part of the reasoning behind this authorization was to remove any questions with respect to reimbursement of necessary lodging expenses by business and other groups, but I think the result is commendable, saving the public money without undermining other important goals. May I recommend to you and the Committee for consideration the possibility of enacting similar legislation to apply to the Federal Trade Commission - or, in the

alternative permitting reimbursement from agency funds of the full amount incurred by employees for official travel.

Mr. Chairman, I recognize that under prevailing interpretations I must obtain reimbursement for lodging expenses incident to official travel only from the government, and have been remiss in failing to do so on the occasions noted in GAO's report. I do want to emphasize, however, that I have always attempted to conduct myself in such a way that no appearance of conflict would ever arise from my speaking before any group, and I hope that your report is not misinterpreted to suggest otherwise.

With kind personal regards and respect, I am

Sincerely

Paul R Dixon

Paul Rand Dixon
Commissioner

The Administrator
Washington, D.C. 20460

December 17, 1976

Dear Senator Magnuson:

This is in response to your letter of December 6, 1976 pertaining to my travel as Administrator of the Environmental Protection Agency.

I have reviewed the draft of the Committee Print and I have no objection to this material being printed.

Sincerely yours,

Russell E. Train

Honorable Warren G. Magnuson
Chairman, Committee on Commerce
United States Senate
Washington, D. C. 20501

Federal Maritime Commission
Washington, D.C. 20573

Office of the Chairman

December 17, 1976

Honorable Warren G. Magnuson
Chairman
Committee on Commerce
United States Senate
Washington, D.C. 20501

Dear Mr. Chairman:

Thank you for giving me the opportunity to comment on the draft Committee Print and the Report of the Comptroller General dealing with travel by regulatory commissioners, and also your assurances in the covering letter, in your characteristic spirit of fairness, that any response would be incorporated into the final Committee Print.

At the outset, I wish to note that footnote 3 on page 3 of the draft Committee Print is in error. During my first eleven months as Chairman, I was away from Washington 94, not 110, days.

Furthermore, the purposes and accomplishments of that foreign travel were explained in a September 3 letter to Senator Long. That letter stated, in pertinent part, as follows:

"Since a significant amount of Commission travel during the period in question is accounted for by the Office of the Chairman, you may find it helpful, as background, to know the purpose of that travel and some of the substantive results of the trips involved.

"Shortly after taking office in November 1975, I identified, and began to speak out on, what I perceived to be two areas of major concern to the Commission; specifically, malpractices and the fast-growing presence of Eastern Bloc carriers in the U.S. liner trades.

"As you know, the Commission has a rather unique statutory role in that the "universe" over which our

regulatory authority in the foreign trade is exercised comprises predominately foreign-flag ocean carriers. Indeed, a significant number of those carriers are owned or controlled by the host government. Accordingly, while all regulatory agencies rely to some degree on moral suasion as a compliance tool, that vehicle is of extraordinary importance to the FMC because of jurisdictional impediments to use of the kinds of proceedings and sanctions that are available in cases involving U.S. persons.

"In light of the foregoing, shortly after assuming my duties as Chairman of the Commission, a recommendation was made by the other members that I undertake promptly to schedule visits to the principal countries participating in the U.S. liner trades for the purpose of establishing mutual rapport with government and shipping industry officials in those countries, i.e., to lay the groundwork for favorable response to moral suasion concerning shipping matters of mutual interest. I should add, for the sake of completeness, that a similar recommendation was made concerning "get-acquainted" visits to the Commission's District Offices (New York, New Orleans, San Francisco, and San Juan) and acceptance of speaking engagements within the United States. I should also stress that the initiative for these recommendations came exclusively from the other members of the Commission, without suggestion or solicitation on my part.

"As a result of these consultations, and information developed in the process, a number of steps have already been taken by the Commission to ensure that our statutory mandate is being carried out most effectively. For example, I have reestablished a Bureau of Enforcement. We are already beginning to see results of our stepped-up enforcement activity. In addition, the Commission has contracted for a year-long study in depth of conference self-policing mechanisms to determine their effectiveness and the steps required to make them more effective, where needed, in the long run.

"My consultations with foreign government and industry officials have also resulted in commitment by conference carriers involved in our Pacific trades to eliminate specific malpractices, to institute effective self-policing where it did not previously exist, and to strengthen existing self-policing systems where required. This voluntary

initiative came about after extensive discussions with both government and industry officials in the United States, Europe and the Far East.

"While making progress in the area of malpractices, I have also concentrated on the problem of present or prospective instability in our trades related to the rate policies and practices of certain Eastern Bloc carriers, and many valuable insights and suggestions have been received from U.S. and foreign industry representatives and from foreign government officials in the course of frank discussions of this problem area. A logical extension of these discussions was the effort to moderate that problem culminating in the Leningrad Agreement of July 16 in which, for the first time, an understanding was reached with a responsible Soviet government official.

"In sum, Mr. Chairman, although what appears to be a disproportionate amount of Commission travel during the period in question is accounted for by the Office of the Chairman, the fact must be viewed in context with the predominately foreign "constituency" of the Commission and the significant, tangible accomplishments concerning the Commission's statutory mandate and regulatory responsibilities that have been accomplished in the course, or as a result, of the travel in question."

I respectfully request that you print both this letter and my September 3, 1976 letter to Senator Long in a separate appendix to the final Committee Print, and that specific reference to the appendix containing the text of these two letters be expressly incorporated into footnote 3, page 3, and footnote 1, page 20.

Sincerely,

Karl E. Bakke

Karl E. Bakke
Chairman

Honorable Russell B. Long
Chairman
Subcommittee on Merchant Marine
United States Senate
Washington, D.C. 20510

Dear Senator Long:

This is in response to your letter of August 23, in which you request information on travel expenditures of the Federal Maritime Commission for Fiscal Year 1976, broken down by bureau and office, and a breakdown by individual for the final quarter of Fiscal Year 1976.

The information is as follows:

TRAVEL - FY 1976

	Obligations @ 6/30/76
Chairman Bentley (7/1/75-11/15/75)	$ 8,237
Chairman Bakke (11/30/75-6/30/76)	20,644
Commissioner Barrett	197
Commissioner Casey	1,750
Commissioner Day	691
Commissioner Morse	435
Office of the Managing Director	22,698
Office of the General Counsel	1,908
Office of Administrative Law Judges	5,636
Office of Personnel	386
Bureau of Compliance	5,862
Bureau of Industry Economics	6,591
Bureau of Certification & Licensing	426
Bureau of Hearing Counsel	11,888
Bureau of Enforcement	18,101
Office of Director	1,799
Atlantic Coast District	5,050
Pacific Coast Director	5,091
Gulf Coast District	5,913
Puerto Rico	248
Sub Total	$105,450
Local Travel	12,421
Total Travel	$117,871

4TH QUARTER TRAVEL OBLIGATIONS - FY 1976

		Amount
Office of the Chairman		
Chairman Bolde		6,042
Nathan Dayer		4,400
James King		60
	Total	10,502
Office of the Commissioners		
Clarence Morse		297
Bob Casey		459
	Total	756
Office of the Managing Director		
Donald J. Brunner		3,750
Wm. Jarrel Smith		1,925
Harry C. de Venoge		756
Ronald D. Murphy		29
	Total	6,460
Office of the General Counsel		
Richard E. Bull		400
Office of Administrative Law Judges		
Norman D. Kline		362
Office of Personnel		
William L. McCarney		61
Bureau of Compliance		
Eugene P. Stakem		365
Robert G. Drew		16
Theodore A. Zook		450
	Total	831

		Amount
Bureau of Industry Economics		
Paul Gonzalez		379
John C. Corr		203
Tony Bombardiere		125
	Total	707
Bureau of Hearing Counsel		
John Robert Ewers		308
John C. Cunningham		945
Bert I. Weinstein		604
C. Jonathan Benner		654
	Total	2,511
Bureau of Enforcement		
Office of Director		
James K. Cooper		104
Daniel J. Connors		142
Daniel W. Lenehan		382
	Total	628
Atlantic Coast District		
Martin J. Keenaghan		150
Geoffrey Rogers		160
Joseph A. May		342
	Total	652
Total		$23,870

NOTE: Excludes local travel obligations during 4th Quarter.

Since a significant amount of Commission travel during the period in question is accounted for by the Office of the Chairman, you may find it helpful, as background, to know the purpose of that travel and some of the substantive results of the trips involved.

Shortly after taking office in November 1975, I identified, and began to speak out on, what I perceived to be two areas of major concern to the Commission; specifically, malpractices and the fast-growing presence of Eastern Bloc carriers in the U.S. liner trades.

As you know, the Commission has a rather unique statutory role in that the "universe" over which our regulatory authority in the foreign trade of the United States is exercised comprises predominately foreign-flag ocean carriers. Indeed, a significant number of those carriers are owned or controlled by the host government. Accordingly, while all regulatory agencies rely to some degree on moral suasion as a compliance tool, that vehicle is of extraordinary importance to the FMC because of jurisdictional impediments to use of the kinds of proceedings and sanctions that are available in cases involving U.S. persons.

In light of the foregoing, shortly after assuming my duties as Chairman of the Commission, a recommendation was made by the other members that I undertake promptly to schedule visits to the principal countries participating in the U.S. liner trades for the purpose of establishing mutual rapport with government and shipping industry officials in those countries, i.e., to lay the groundwork for favorable response to moral suasion concerning shipping matters of mutual interest. I should add, for the sake of completeness, that a similar recommendation was made concerning "get-acquainted" visits to the Commission's District Offices (New York, New Orleans, San Francisco and San Juan) and acceptance of speaking engagements within the United States. I should also stress that the initiative for these recommendations came exclusively from the other members of the Commission, without suggestion or solicitation on my part.

As a result of these consultations, and information developed in the process, a number of steps have already been taken by the Commission to ensure that our statutory mandate is being carried out most effectively. For example, I have reestablished a Bureau of Enforcement. We are already beginning to see results of our stepped-up enforcement activity. In addition, the Commission has contracted for a year-long study in depth of conference self-policing mechanisms to determine their effectiveness and the steps required to make them more effective, where needed, in the long run.

My consultations with foreign government and industry officials have also resulted in commitment by conference carriers involved in our Pacific trades to eliminate specific malpractices, to institute effective self-policing where it did not previously exist, and to strengthen existing self-policing systems where required. This voluntary initiative came about after extensive discussions with both government and industry officials in the United States, Europe and the Far East.

While making progress in the area of malpractices, I have also concentrated on the problem of present or prospective instability in our trades related to the rate policies and practices of certain Eastern Bloc carriers, and many valuable insights and suggestions have been received from U.S. and foreign industry representatives and from foreign government officials in the course of frank discussions of this problem area. A logical extension of these discussions was the effort to moderate that problem culminating in the Leningrad Agreement of July 16 in which, for the first time, an understanding was reached with a responsible Soviet government official.

In sum, Mr. Chairman, although what appears to be a disproportionate amount of Commission travel during the period in question is accounted for by the Office of the Chairman, the fact must be viewed in context with the predominately foreign "constituency" of the Commission and the significant, tangible accomplishments concerning the Commission's statutory mandate and regulatory responsibilities that have been accomplished in the course, or as a result, of the travel in question.

Should you wish further information or elaboration on this subject, please do not hesitate to call upon me.

Sincerely,

KARL E. BAKKE

Karl E. Bakke
Chairman

Interstate Commerce Commission
Washington, D.C. 20423

OFFICE OF THE CHAIRMAN

December 20, 1976

Honorable Warren G. Magnuson
Chairman
Senate Committee on Commerce
Washington, D. C. 20510

Dear Chairman Magnuson:

Thank you for the opportunity to review the Staff Report, Travel by Regulatory Commissioners, and to provide comments prior to its release. Our staff has reviewed the statistical data, and corrections are noted on enclosed pages 4, 10, 28, 29 and 30. I understand that Commissioners Murphy, Gresham and O'Neal have responded directly to the Committee.

I believe specific comment should be made with respect to the travel of Vice Chairman Clapp noted in the GAO report. This report, which is to be included as Appendix C to the Committee's report, poses the following question with respect to Commissioner Clapp: "Although shown as official travel, was it appropriate for 6 of the Commissioner's 15 trips, or 40 percent, to be to the Commissioner's home State?"

It should be noted at the outset that the six home state trips of Commissioner Clapp occurred over a 21-1/2-month span. Two of these trips permitted Commissioner Clapp an opportunity to participate in highly important hearings of the Rail Services Planning Office (RSPO). One of these hearings was actually held in White River Junction, Vermont, and the visit to the ICC's Region One Headquarters in Boston was only incidental to that travel.

Moreover, two of the six trips to Massachusetts were made to attend Region One (New England, New York and New Jersey) Staff Conferences in 1974 and 1975. These Conferences were scheduled in Boston because it is the headquarters city, centrally located within the Region. Commissioner Clapp played no part in deciding the location for these Conferences.

Honorable Warren G. Magnuson

Regional staff conferences are an important Commission activity. I have found that when it is possible for a Commissioner to attend such a conference it can provide an extremely valuable opportunity for dialog between the Commission and the field staff. Commissioner Clapp is the only Commissioner from a northeastern state. Consequently, he possesses a uniquely sensitive feel for the transportation problems of that area. I believe it was not only proper but most fortunate that he was able to attend these Conferences.

With respect to the remaining two trips to Massachusetts during the almost two-year period, Commissioner Clapp delivered speeches at annual meetings of the Massachusetts Movers Conference and the Northeast Grain and Feed Council. This is not a disproportionally high percentage of speeches in the home state when consideration is given to the fact that he gave a total of seven addresses during the overall period in question.

From the foregoing, it is clear that Vice Chairman Clapp's travel to Massachusetts was important to the Commission and not excessive. I feel listing the Vice Chairman under the heading of "Propriety of frequent travel by Commissioners to their home states to attend various functions" unfairly and inaccurately conveys an opposite impression. I trust you will agree after further consideration of the purpose and frequency of his travel.

In conclusion, I point out that the Staff Report reveals, during the period in question, Commissioner Clapp had the best record of any ICC Commissioner in attending regular and special Commission conferences. I believe that this excellent record, in the context of the foregoing information, further demonstrates that Commissioner Clapp has not engaged in unnecessary travel to the home state but rather has conscientiously attended to official duties in Washington.

Again, thank you for the opportunity to comment on the Staff Report. It will, no doubt, be helpful in establishing more uniform travel policies among the regulatory agencies.

Sincerely yours,

George M. Stafford
Chairman

Enclosures (5)

Interstate Commerce Commission
Washington, D.C. 20423

December 20, 1976

Honorable Warren G. Magnuson
Chairman
Committee on Commerce
United States Senate
Washington, D. C. 20510

Dear Mr. Chairman:

Thank you for the opportunity to comment on the reports of the Senate Commerce Committee Staff and the General Accounting Office on official travel by members of the independent regulatory agencies. The reports prompt me to make two observations, one relating to the general question of travel by agency members and a second concerning my travel.

It is appropriate periodically to review the expenditure of funds by agencies and the attentiveness to duty of agency members.

I understand the origins and limited nature of the staff travel study and my comments about the limitations of this study should not be taken as criticism in any way. I would merely suggest expanding the horizons somewhat. For example, I note in passing that there is no good reason why such an inquiry should not be extended beyond a few independent regulatory agencies to include other agencies and the Executive Departments. An expanded study could provide a helpful perspective.

The study is essentially directed at statistical questions: How many trips were taken? How many agency meetings were attended? How much money did it all cost? Those questions are relevant and should receive attention by the Congress. Asking those questions and no others, however, implies an answer to a most important public policy issue even though that issue is never quite articulated. The issue that has been left undefined, but which is nevertheless deserving of Congressional attention is what should be the U. S. Government's policy toward participation by government officials in gatherings of private citizens where such meetings are conducted somewhere other than at the seat of government? There are many related questions. To what extent should

citizens be required to come to Washington, D. C. to obtain the views and ideas of government officials? Would such a requirement ultimately be fair to the taxpayer? Would it be "fairer" to some than to others--are individual wealth and geographical location relevant issues here? What policy would improve government responsiveness to individual members of the public--which policy would cause it to deteriorate? Should there be different policies for different agencies? Should there be a required mix of the groups addressed--certain percentage of "regulated" as opposed to "nonregulated but affected" and "consumer" groups? What is the proper mix? Is communication with citizens an unnecessary interference with a decisionmaker's duties in Washington, D. C. ? Or is communication part of his or her responsibility?

Those are a few of the questions which are left unanswered at present. But they are a most important area for consideration under our form of government. Absent a well articulated policy, each agency head or member of an independent regulatory body must determine for himself the correct answers.

Shortly after becoming a member of the Interstate Commerce Commission I, like many others before and after me, found it necessary to decide which invitations, if any, I should accept. Several factors influenced my approach. As a former Congressional staff member I had developed the notion (unsupported, I might add, by any thorough objective analysis) that too many Commissioners devoted a disproportionate number of their public appearances to regulated industry meetings, that there was a danger of too many speaking engagements interfering with a Commissioner's decisionmaking responsibilities, and that too many Commissioners had isolated themselves from the views and observations of the interested public. I reflected on other factors. The Interstate Commerce Commission regulates some 18,000 common carriers operating in every corner of the United States. They vary in size from the small "mom and pop" trucker with a net income of $15,000 to the large railroad with a net income of over $100 million. They transport people and every conceivable product. Practically every business in the United States, regardless of size, is dependent to some degree on these carriers to move their product to market and/or to obtain materials from market. Every community in the country is affected by common carrier service and even some of the smaller communities have traffic clubs or transportation groups interested in keeping abreast of developments in the regulation of transportation. For example, one of the first groups I talked with sponsored a meeting in Manchester, New Hampshire; subsequently I spoke to gatherings in Decatur, Illinois; Yakima, Washington; Rye, New York; and Louisville, Kentucky. It was and is also my opinion that many individuals and groups throughout the country tend to feel as though officials in Washington, D. C. are not interested in what they have to say.

All these factors have been considered in determining the extent to which I should travel outside Washington, D. C. to meet with various groups. It seems to me that public officials have an affirmative obligation by virtue of their public office to discuss issues relating to their governmental function with citizens nearly anywhere in the country. This is an obligation of nearly the same level of importance as decision-making itself. Neither obligation should be neglected. The obligation includes the duty to express one's beliefs to the public, to invite and consider comments on those beliefs and to listen to the ideas expressed by members of the public. Not everyone interested in ICC regulation desires to or is able to come to Washington, D. C.

It is with this background that I approach my responsibility to communicate with the public. Not unexpectedly, many of the early invitations I received were from the West Coast. This was understandable since there had not been an ICC Commissioner from the West Coast in several years--yet that part of the country is vitally concerned with surface transportation. A few Congressional requests for West Coast visits were received. In addition, coincidentally a number of large national organizations with vital interests in transportation began holding conferences in Seattle and other West Coast cities.

From the outset I have felt that to be most effective communication must flow in two directions. Thus, I invite questions following formal speeches and have participated in numerous panel discussions or seminars which generally include interchanges with the audience as well as with fellow panelists. While sometimes painful, such discussions are frequently very educational.

During the period under discussion in the report, and continuing through the present time, an intensive running debate on the future course of regulation has been in progress. I have received numerous invitations to participate in the debate.

The debate on rail regulation became particularly intense in 1975 because of Congressional work on what eventually became the Rail Revitalization and Regulatory Reform Act of 1976. During one period from the middle of September 1975 through the end of October 1975, the primary Department of Transportation spokesman on regulatory issues and I confronted each other on panel discussions in Washington, D. C., Florida, Chicago, and Seattle. We had debated each other in public on various other occasions including an April 1975 National Conference on Surface Freight Transportation in Washington, D. C. sponsored by groups such as American Rivers Conservation Council, Common Cause, Environmental Action, Friends of the Earth, National Consumer Congress, and the Sierra Club. These public discussions helped to isolate critical issues and to provide varying points of view to interested citizens, helping them make up their own

minds on significant questions of public importance. Where I was unable to participate in such discussions, I sought out other Commissioners or members of the Commission staff to make sure that a sound regulatory point of view would be advanced in the debate.

Thus I have made many visits and appearances. While many of the engagements have been in Washington, D. C. there have been several in other parts of the country as well. A number of the trips (some 16 out of a total of 67) have been to the West Coast. (West Coast trips are, of course, more expensive, averaging close to $500 per trip; so that in a given year, even when combining visits to more than one West Coast point in a single trip, the cost for my travel to the West amounted to $2500 or $3000). I have appeared before a great variety of groups--carrier, shipper, consumer, educational, etc.--in order to achieve a balance.

It has also been one of my objectives, of course, to avoid neglecting my decision-making responsibilities. It takes time and effort aside from the trip itself to prepare for public appearances, particularly where a prepared statement is to be delivered. I try to consider all of these factors before deciding whether to accept an invitation to appear. Inevitably conflicts develop. But I am pleased that I have been relatively successful in avoiding interruptions of my Washington, D. C. responsibilities. By traveling on weekends and keeping the trips as short as possible, (e.g. traveling to and from points such as Denver in the same day) where programs and air service permit, I have been able to perform the job in Washington, D. C. In fact during the period covered by the study only six votes were taken at the meetings from which I was absent and only one of those could be considered of major importance. Each Commissioner at the ICC, depending on the division to which he is assigned, ordinarily votes somewhere around 1000 times each year. (It should be noted that for Commissioners on Division 1 the number of votes can easily exceed 2000 in a single year.) Since most of the votes are not taken at Commission meetings, it is possible to participate fully in nearly all agency decisions while not attending all such meetings. For example, in the period July 1, 1975 through June 30, 1976, I participated in 943 of the 972 votes taken of the Commission and the Divisions on which I was serving.

In my view, therefore, visits and discussions by Commissioners can serve a useful purpose as long as they comport with the agency's rules prohibiting ex parte communications as to cases pending before the agency and are reasonably balanced among (in the case of the ICC) consumers, shippers, carriers, professional societies, and government organizations, including agency field offices.

Before closing, therefore, I would suggest that one of the GAO recommendations be tempered somewhat. Page 6 of the draft report contains the following statement:

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"GAO recommends that the respective heads of agencies insure that all Commissioners travel in accordance with congressional intent and with the Office of Management and Budget guidelines to minimize official travel (emphasis added)."

I have no objection to having the agency heads monitor official travel. However I would not think it wise to give the Chairman of an agency the power to restrict travel by other Commissioners or members since that could undermine a member's independence. And I don't think it can be said that it is the intent either of Congress or the Executive Branch simply "to minimize official travel." Those officials whose decisions affect the entire country should not isolate themselves in Washington. In the absence of more specific guidelines, a more appropriate policy statement on official travel would be that it should be undertaken to carry out the statutory mandate of the agency on which the individual official serves and to contribute to the public's understanding or appreciation of issues relating to the agency's function. It would be folly for a democratic government to cut itself off from communication with the citizenry through some parsimonious and misplaced restriction on travel by government officials.

And it might be well for the Committee or the Congress to consider whether guidelines for official travel ought to be developed. In the meantime I would urge that judgment be withheld until the matter can be more fully examined to determine whether workable guidelines can be developed.

Thank you again for this opportunity to present my views.

Sincerely yours,

A. Daniel O'Neal
Commissioner